

Message

From: Kataoka, Mark [Kataoka.Mark@epa.gov]
Sent: 2/5/2020 2:30:15 PM
To: Orlin, David [Orlin.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Buchsbaum, Seth [buchsbaum.seth@epa.gov]
Subject: FW: Materials for Sarah's SAFE Meeting Wed am
Attachments: SAFE Preamble to OIRA EO12866 200110 Deliberative_EPA COMMENTS_toNHTSA_20200204.pdf

In the past we would have sent this to Justin; should we send to David F (and Matt)?

From: Moran, Robin <moran.robin@epa.gov>
Sent: February 05, 2020 7:51 AM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Subject: FW: Materials for Sarah's SAFE Meeting Wed am

Here's what Sarah and Karl M are carrying over to NHTSA this morning

From: Bolon, Kevin <Bolon.Kevin@epa.gov>
Sent: Tuesday, February 04, 2020 5:19 PM
To: OTAQ Materials <OTAQMaterials@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Helfand, Gloria <helfand.gloria@epa.gov>; Sherwood, Todd <sherwood.todd@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Moskalik, Andrew <Moskalik.Andrew@epa.gov>; McDonald, Joseph <McDonald.Joseph@epa.gov>; Wysor, Tad <wysor.tad@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>
Subject: Materials for Sarah's SAFE Meeting Wed am

Attached are the materials that Sarah is planning to bring to Wednesday's 10am Wed meeting with NHTSA.

- 3 copies, printed in color will need to be prepared for Sarah before she leaves Wed am.
- I was also told that Ben will print 1 copy in color for Karl Moore tonight.

The pdf is about 1000 pages long, so hopefully the printing is not too unmanageable.

Good luck!

- Kevin

Kevin Bolon, Ph.D.
 Light Duty Center, Assessment and Standards Division
 National Vehicle and Fuel Emissions Laboratory
 U.S. EPA, Office of Transportation and Air Quality
 734-214-4331 bolon.kevin@epa.gov

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/27/2020 12:23:12 AM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: Re: Revised SAFE Section VIII A

Thanks Sarah.

Get [Outlook for iOS](#)

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Thursday, March 26, 2020 8:22:10 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Revised SAFE Section VIII A

Ross, Jonathan-

Being mindful of the approaching deadline, we are sending you our revised preamble section VIII A for you to please fold into the preamble for transmission back to OMB.

Thanks

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/26/2020 6:23:29 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Charmley, William [charmley.william@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]
Subject: revised truck incentive language
Attachments: EPA regulatory text_SAFE rule_with full size pickup_3-26-2020 v2.docx

Hi Ross-

Here is a revised version of the EPA regulations

Ex. 5 Deliberative Process (DP)

Thanks

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/27/2020 12:22:10 AM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]; Jonathan Morrison [Jonathan.Morrison@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: Revised SAFE Section VIII A
Attachments: SAFE Preamble Section VIII A EO12866 Deliberative EPA edits 3_26.docx

Ross, Jonathan-

Being mindful of the approaching deadline, we are sending you our revised preamble section VIII A for you to please fold into the preamble for transmission back to OMB.

Thanks

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/26/2020 10:56:42 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: FW: Section 9 comments only for NHTSA - the 2/5/2020 version
Attachments: SAFE Preamble to OIRA EO12866 200110 Deliberative_EPA COMMENTS_toNHTSA_20200204, Section 9 only.pdf

Hi Ross—

We talked about our comments on chapter 9, and it turns out we did not do a detailed markup again of Section 9, we made some specific edits in some places, but in others due to the amount of time we had, we simply highlighted the section and referred to the 2/5/2020 comments EPA had provided to NHSTA.

In light of the available time, the best we can do is to send you specifically the Section 9.B and the rest of Section 9 from our February 4 comments. That file is attached. I appreciate this is not as straightforward as might be helpful but given the time we thought you should get what we could get you. As noted on the phone call, we did not know on 2/5,

Deliberative Process / Ex. 5

this document. r, so that is not reflected in

Thanks
Sarah

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/26/2020 8:02:20 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: RE: OIRA request for EPA commitment to future analysis of electric vehicle impacts from SAFE final rule requirements and the EGU industry on emissions

Thank you, Sarah.

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Thursday, March 26, 2020 4:01 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: OIRA request for EPA commitment to future analysis of electric vehicle impacts from SAFE final rule requirements and the EGU industry on emissions

Hi Ross-

We have one more additional to the preamble needed to respond to OMB requests

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Deliberative Process / Ex. 5

Thanks

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 1/31/2020 2:41:20 PM
To: Ross Rutledge [ross.rutledge1@dot.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Harlow, David [harlow.david@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Draft EPA regulatory text for the Light-duty Vehicle SAFE rule
Attachments: EPA regulatory text_SAFE rule 1-22-2020.docx; ATT00001.htm

Hi Ross-
Please find the attached EPA regulatory text as we discussed.
Thanks
Sarah

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 1/31/2020 2:42:18 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Harlow, David [harlow.david@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Draft EPA regulatory text for the Light-duty Vehicle SAFE rule

Thank you, Sarah!

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Friday, January 31, 2020 9:41 AM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Draft EPA regulatory text for the Light-duty Vehicle SAFE rule

Hi Ross-
Please find the attached EPA regulatory text as we discussed.
Thanks
Sarah

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/26/2020 3:41:09 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: FW: 2 items ready to be sent to NHTSA on the SAFE rule: draft preamble language on off-cycle credit program, draft reg language eliminating full-size pickup truck advanced technology credit for 2021 and later
Attachments: EPA regulatory text_SAFE rule_with full size pickup_3-26-2020.docx; SAFE Supplier Role in Off-Cycle Credits_preamble edit_draft 3-25, v3.docx

Ross-

Two documents attached that are ready to be integrated into the SAFE document:

Deliberative Process / Ex. 5

Please note we are still working on some additional preamble language that OMB asked us to add

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks
Sarah

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/18/2020 6:31:56 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: RE: EPA comments on draft SAFE preamble section 10 (endangered species act discussion)

Thank you, Sarah.

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Tuesday, March 17, 2020 7:21 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: EPA comments on draft SAFE preamble section 10 (endangered species act discussion)

Hi Ross

Attached please find comments on the preamble section 10 (comments are on the last several pages).

Thanks

Sarah

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/17/2020 11:20:49 PM
To: Ross Rutledge [ross.rutledge1@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: EPA comments on draft SAFE preamble section 10 (endangered species act discussion)
Attachments: ESA text from 2_21_20 EO12866 Preamble, EPA Comments3_16_2020.docx; ATT00001.htm

Hi Ross

Attached please find comments on the preamble section 10 (comments are on the last several pages).

Thanks

Sarah

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/27/2020 10:14:46 PM
To: Charmley, William [charmley.william@epa.gov]
Subject: RE: Time for a call around 7pm?

Thanks Bill.

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, March 27, 2020 6:14 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: Time for a call around 7pm?

Dear Ross –

Sarah asked me to call you regarding the topic of the light-duty vehicle technical amendment FRM and it's relationship to SAFE.

Do you have time for a call this evening? Would 7pm work? Or later?

I have your number Ex. 6 Personal Privacy (PP) if that is what I should call. I will call you from a 248 area code.

Let me know.

Thanks
Bill

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/29/2020 1:55:18 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: RE: PM uncertainty language clean v2 12866 (002).docx-bb.docx

I'm also confused by the attachments.

-----Original Message-----

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Sunday, March 29, 2020 9:51 AM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: FW: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Karl-

I have not been submitting anything directly to OMB. We have worked through NHTSA for all edits/documents/responses. I can certainly send this to Matthew Oreska as I believe they are expecting it, but wanted to flag that this would be different than other passbacks.

But before I do that I want to flag that I can not open the attachment. That is very likely my incompetence at opening a ZIP file, but would be good for someone else to confirm that they can open it. And I have to admit a slight bit of discomfort with submitting something to OMB that I can not actually read.

Thanks
 Sarah

-----Original Message-----

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Sunday, March 29, 2020 8:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Jonathan Morrison <Jonathan.Morrison@dot.gov>
Subject: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Sarah, this is the final passback of the language to OERI through NHSTA. To speed things along, I am copying Jonathan as well but please submit it as you normally do as well.

With Regard, Karl

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/29/2020 1:50:55 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: FW: PM uncertainty language clean v2 12866 (002).docx-bb.docx
Attachments: 21F6FA79-BD11-48D6-922E-841FFD239A0A.zip; ATT00001.txt

Karl-

I have not been submitting anything directly to OMB. We have worked through NHTSA for all edits/documents/responses. I can certainly send this to Matthew Oreska as I believe they are expecting it, but wanted to flag that this would be different than other passbacks.

But before I do that I want to flag that I can not open the attachment. That is very likely my incompetence at opening a ZIP file, but would be good for someone else to confirm that they can open it. And I have to admit a slight bit of discomfort with submitting something to OMB that I can not actually read.

Thanks
Sarah

-----Original Message-----

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Sunday, March 29, 2020 8:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Jonathan Morrison <Jonathan.Morrison@dot.gov>
Subject: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Sarah, this is the final passback of the language to OERI through NHSTA. To speed things along, I am copying Jonathan as well but please submit it as you normally do as well.

With Regard, Karl

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/27/2020 8:38:27 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Charmley, William [charmley.william@epa.gov]
Subject: RE: Response Document

Hi Ross-

Ex. 5 Deliberative Process (DP)

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Friday, March 27, 2020 2:56 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Response Document

Thanks Sarah.

From: Dunham, Sarah [<mailto:Dunham.Sarah@epa.gov>]
Sent: Friday, March 27, 2020 2:48 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: FW: Response Document

Thanks—I'd suggest adding in response to #2 that we added preamble language that says:

Ex. 5 Deliberative Process (DP)

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Friday, March 27, 2020 2:18 PM, a**To:** Dunham, Sarah Dunham.Sarah@epa.gov on o
Subject: Response Document

Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 3/24/2020 7:01:52 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Charmley, William [charmley.william@epa.gov]
Subject: small change to EPA regulatory text

This is the small EPA reg text change I mentioned. I understand the other points re: flexibilities are still under discussion.

Here is the requested change that we have.

Ex. 5 Deliberative Process (DP)

Message

From: Charmley, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FB1828FB00AF42FFB68B9E0A71626D95-CHARMLEY, WILLIAM]
Sent: 3/27/2020 11:13:14 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: RE: Time for a call around 7pm?

Understood. Thanks.

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Friday, March 27, 2020 7:07 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Time for a call around 7pm?

Certainly resolves one question! I don't want to get ahead of the process here.

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, March 27, 2020 7:04 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Time for a call around 7pm?

Ross –

That sounds good.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks
 Bill

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Friday, March 27, 2020 6:32 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Time for a call around 7pm?

Bill – It appears a technical glitch led to some confusion on our part that we have remedied on our own. The need for this call is overtaken by events. Sorry for confusion!

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Friday, March 27, 2020 6:14 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: Time for a call around 7pm?

Dear Ross –

Sarah asked me to call you

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Do you have time for a call this evening? Would 7pm work? Or later?

I have your number (202-834-0783), if that is what I should call. I will call you from a 248 area code.

Let me know.

Thanks

Bill

Message

From: Charmley, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FB1828FB00AF42FFB68B9E0A71626D95-CHARMLEY, WILLIAM]
Sent: 3/26/2020 4:22:16 PM
To: Lieske, Christopher [lieske.christopher@epa.gov]; Robin Moran [Moran.Robin@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]
CC: Orlin, David [Orlin.David@epa.gov]; Mark Kataoka (Kataoka.Mark@epa.gov) [Kataoka.Mark@epa.gov]
Subject: FW: 2 items ready to be sent to NHTSA on the SAFE rule: draft preamble language on off-cycle credit program, draft reg language eliminating full-size pickup truck advanced technology credit for 2021 and later
Attachments: ATP Scan In Progress

Dear Chris –

Ex. 5 Deliberative Process (DP)

Can you let me know if we agree?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks
Bill

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Thursday, March 26, 2020 12:19 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: FW: 2 items ready to be sent to NHTSA on the SAFE rule: draft preamble language on off-cycle credit program, draft reg language eliminating full-size pickup truck advanced technology credit for 2021 and later

Ex. 5 Deliberative Process (DP)

From: Dunham, Sarah
Sent: Thursday, March 26, 2020 11:41 AM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: FW: 2 items ready to be sent to NHTSA on the SAFE rule: draft preamble language on off-cycle credit program, draft reg language eliminating full-size pickup truck advanced technology credit for 2021 and later

Ross-

Two documents attached that are ready to be integrated into the SAFE document:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks
Sarah

Message

From: Dunham.Sarah@epa.gov [Dunham.Sarah@epa.gov]
Sent: 1/31/2020 2:39:17 PM
To: Ross Rutledge [ross.rutledge1@dot.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Harlow, David [harlow.david@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; fatouhi.david@epa.gov
Subject: Draft EPA regulatory text for the Light-duty Vehicle SAFE rule
Attachments: EPA regulatory text_SAFE rule 1-22-2020.docx; ATT00001.htm

Hi Ross-

Please find the attached EPA regulatory text as we discussed.

Thanks

Sarah

Message

From: Dunham.Sarah@epa.gov [Dunham.Sarah@epa.gov]
Sent: 3/28/2020 10:16:49 PM
To: Ross Rutledge [ross.rutledge1@dot.gov]
CC: Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]
Subject: Fwd: Docketing Requirements for the SAFE FRM - what we will need from NHTSA

Hi Ross-

I'm forwarding the note below from Bill that lays out our plans for docketing materials related to the SAFE rule. Much is FYI but there's an important piece we need from NHTSA. That is:

- All material referenced in the Final Rule preamble and RIA that NHTSA and EPA are relying upon for the formal administrative record
 - This is the action we need material from NHTSA for

Would you please let us know who we can expect this material from, and would you please let whoever is sending the material to please send to each of the following EPA staff:

olechiw.michael@epa.gov

sherwood.todd@epa.gov

bolon.kevin@epa.gov

moran.robin@epa.gov

lieske.christopher@epa.gov

neam.anthony@epa.gov

Thank you.

Begin forwarded message:

From: "Charmley, William"
Subject: Docketing Requirements for the SAFE FRM - what we will need from NHTSA

Dear Sarah,

As we are preparing for signature day for the Final SAFE rule, we are getting ready for the docketing obligations for EPA. There are 3 categories of items we need to docket:

- Ex Parte communications with external stakeholders between NPRM and FRM

- This is well underway, and we have what we need to do this – basically memos to the docket regarding meetings with stakeholders between proposal and final that EPA had with stakeholders outside of the Federal Gov't
- Written exchanges with OMB between proposal and final
 - This is also something we have under control. OTAQ staff have been maintaining a folder with all of the written back and forths with OIRA. As with past rules, I believe we will compile all of that into a few files – 1 if we can, but it might be too large, and we will docket those as interactions with OIRA
- All material referenced in the Final Rule preamble and RIA that NHTSA and EPA are relying upon for the formal administrative record
 - This is the action we need material from NHTSA for
 - By the end of day of promulgation, which we understand to be targeted for Tuesday, March 31, EPA needs to submit to the EPA docket for the SAFE rule all of the referenced material in the final rule
 - NHTSA did this for the NPRM for the NHTSA docket, and they emailed (or you we used on on-line file exchange program) all of the items to EPA, so that we could place them in the EPA docket

Can you reach out to Ross, or send him this email, so we can find out who from NHTSA will be sending us the material for the EPA docket? Here are the names we would like NHTSA to email material to:

olechiw.michael@epa.gov
 sherwood.todd@epa.gov
 bolon.kevin@epa.gov
 moran.robin@epa.gov
 lieske.christopher@epa.gov
 neam.anthony@epa.gov

Please call or email me if you have any questions on this.

Thanks
 Bill

Message

Sent: 3/29/2020 1:44:50 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]; Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: FW: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Karl-rm

I have not been submitting anything directly to OMB. We have worked through NHTSA for all edits/documents/responses. So it may be that for this particular response it makes sense to go directly to OMB, but before I do that I would want Ross and Jonathan to confirm it makes sense in this case to do that.

-----Original Message-----

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Sunday, March 29, 2020 8:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Jonathan Morrison <Jonathan.Morrison@dot.gov>
Subject: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Sarah, this is the final passback of the language to OERI through NHSTA. To speed things along, I am copying Jonathan as well but please submit it as you normally do as well.

With Regard, Karl

Message

Sent: 3/29/2020 1:49:48 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: FW: PM uncertainty language clean v2 12866 (002).docx-bb.docx
Attachments: 21F6FA79-BD11-48D6-922E-841FFD239A0A.zip; ATT00001.txt

Karl-

I have not been submitting anything directly to OMB. We have worked through NHTSA for all edits/documents/responses. I can certainly send this to Matthew Oreska as I believe they are expecting it, but wanted to flag that this would be different than other passbacks.

But before I do that I want to flag that I can not open the attachment. That is very likely my incompetence at opening a ZIP file, but would be good for someone else to confirm that they can open it. And I have to admit a slight bit of discomfort with submitting something to OMB that I can not actually read.

Thanks
Sarah

-----Original Message-----

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Sunday, March 29, 2020 8:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Jonathan Morrison <Jonathan.Morrison@dot.gov>
Subject: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Sarah, this is the final passback of the language to OERI through NHSTA. To speed things along, I am copying Jonathan as well but please submit it as you normally do as well.

With Regard, Karl

Delivery Report

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/19/2020 8:04:10 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: Read: FRIA Redline

Your message

To: Dunham, Sarah
Subject: FRIA Redline
Sent: 2/19/2020 7:06:18 PM

was read 2/19/2020
on 8:04:10
PM

Message

From: Mullins, Timothy (OST) [Timothy.Mullins@dot.gov]
Sent: 3/6/2020 6:43:59 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: Re: Contact Next Week

Thank you!

Get [Outlook for iOS](#)

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Friday, March 6, 2020 12:09:23 PM
To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Subject: RE: Contact Next Week

Hi Tim-

We hope the attached document with some suggested red line edits make this response more clear. I'm happy to talk further about this if that would be helpful.

Thanks

From: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Sent: Friday, March 6, 2020 10:49 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Contact Next Week

Sarah,

Thank you for tracking this down! We think the easiest thing would be if you could just please send me the revised discussion in a Word document when it is ready.

Thanks again,

Tim

From: Dunham, Sarah [<mailto:Dunham.Sarah@epa.gov>]
Sent: Friday, March 6, 2020 10:37 AM
To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Subject: RE: Contact Next Week

Hi Tim-

I have a revised response on the question we talked about on Wednesday. How would you like to receive it?

Thanks

Sarah

From: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Sent: Tuesday, March 3, 2020 5:58 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Re: Contact Next Week

Great! I will try calling you at 830. Thanks!

Get [Outlook for iOS](#)

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Tuesday, March 3, 2020 5:41:35 PM
To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Subject: Re: Contact Next Week

Hi Tim. Either before 9 or at noon are safe. I will have a break mid morning but that is less predictable in terms of time.

On Mar 3, 2020, at 4:11 PM, Mullins, Timothy (OST) <Timothy.Mullins@dot.gov> wrote:

Hi Sarah,
Thanks for talking earlier. We wanted to follow-up on one of the items discussed. When would be a good time to discuss tomorrow morning?
Thanks,
Tim

From: Mullins, Timothy (OST)
Sent: Tuesday, March 03, 2020 10:52 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Contact Next Week

Hi Sarah,
The NHTSA team has some very specific technical questions on some of the recent responses/comment we received from EPA. What's the best way for me to pass these along?
Thanks,
Tim

Timothy J. Mullins
Senior Attorney
Office of the General Counsel, Office of Regulation (C-50)
U.S. Department of Transportation
202-366-9038

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Friday, February 28, 2020 11:34 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Subject: Contact Next Week

Hi Sarah –

Tim Mullins (cc'd) will be your point of contact while I'm out next week. He can be reached via phone at 202-366-9038.

Thanks,
Ross

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/29/2020 2:27:27 PM
To: Moor, Karl [Moor.Karl@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: RE: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Hi Karl,

We can get it to OIRA, but none of us could access the attachment. Can you send the word document over?
Thanks!

-----Original Message-----

From: Moor, Karl [mailto:Moor.Karl@epa.gov]
Sent: Sunday, March 29, 2020 8:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: PM uncertainty language clean v2 12866 (002).docx-bb.docx

Sarah, this is the final passback of the language to OERI through NHSTA. To speed things along, I am copying Jonathan as well but please submit it as you normally do as well.

With Regard, Karl

Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/29/2020 12:54:57 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Jonathan Morrison [Jonathan.Morrison@dot.gov]
Subject: PM uncertainty language clean v2 12866 (002).docx-bb.docx
Attachments: 21F6FA79-BD11-48D6-922E-841FFD239A0A.zip; ATT00001.txt

Sarah, this is the final passback of the language to OERI through NHSTA. To speed things along, I am copying Jonathan as well but please submit it as you normally do as well.

With Regard, Karl

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/26/2020 12:35:40 AM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Jim Tamm [james.tamm@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]
Subject: DRAFT/DELIBERATIVE: Update FRIA
Attachments: SAFE FRIA 200325 EO12866 Deliberative.docx

Sarah –

Please find an updated draft FRIA attached.

Thanks,
Ross

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/28/2020 6:09:18 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: FRIA: Clean
Attachments: SAFE FRIA EO12866 200328 Deliberative.docx

Making sure you have received. Thanks

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 2/19/2020 6:38:19 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: FW: Latest Draft Preamble
Attachments: SAFE Preamble EO12866 200207 Deliberative.docx

Trying again.

From: Rutledge, Ross (NHTSA)
Sent: Thursday, February 13, 2020 10:31 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Latest Draft Preamble

Hi Sarah –

The version attached pulls together all of the latest content. Note that this version does not reflect any responses to interagency review.

Thanks,
Ross

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/30/2020 5:35:26 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Jim Tamm [james.tamm@dot.gov]
Subject: Reg Text

Importance: High

Sarah –

Just tried you by phone.

Time sensitive/urgent request:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks and I'm available by phone if you need to discuss.

Ross.

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/25/2020 12:38:02 AM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Jim Tamm [james.tamm@dot.gov]
Subject: RE: Updated Preamble
Attachments: SAFE Preamble to EPA Redlines 200324 Deliberative.docx

Redline attached.

From: Rutledge, Ross (NHTSA)
Sent: Tuesday, March 24, 2020 8:37 PM
To: 'Dunham, Sarah' <Dunham.Sarah@epa.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Tamm, James (NHTSA) <james.tamm@dot.gov>
Subject: Updated Preamble

Good evening –

Please see the attached Preamble that is the current master document. Additional edits are forthcoming including the following:

- Additional edits to address EPA items
- Additional edits to address OIRA comments
- Updates to the Section VIII B NHTSA

Due to file size, a tracked changes version will be sent separately that shows changes from the March 11, 2020 Preamble that was submitted for interagency review.

Thanks,
Ross

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 2/19/2020 6:10:45 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: RE: Quick chat?

Sure. I'll call at 1:30.

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Wednesday, February 19, 2020 12:01 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: RE: Quick chat?

Hi Ross-

Just got out of meetings—do you have any time to talk between now and 2:00?

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Wednesday, February 19, 2020 10:14 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Quick chat?

Hi Sarah – I got your vm. Want to chat this AM? Thanks.

Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/30/2020 4:40:22 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Kelley Raymond [kelley.s.raymond@gmail.com]; Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: FW: full text from Thursday
Attachments: SAFE 3.26.20 2040 redline.docx

Jonathan, we are receding to these changes and with that we are complete and finished with all input and pass-back response. Regards, Karl

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Appointment

From: Jacks, Susan [Jacks.Susan@epa.gov]
Sent: 2/21/2020 5:14:46 PM
To: Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Jonathan.Morrison@dot.gov; ross.rutledge1@dot.gov
Subject: NHTSA
Location: WJC-N 5400
Start: 2/25/2020 5:30:00 PM
End: 2/25/2020 9:30:00 PM
Show Time As: Tentative

Please note location change.

As of February 19, 2020: Scheduled per ATardif request.-Susan

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/27/2020 3:31:24 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: Let me know when you can chat

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/25/2020 6:46:23 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: RE: Touch Base?

Of course

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Wednesday, March 25, 2020 2:32 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: RE: Touch Base?

Yes, I'm on a call now but will call you in hopefully about 15 minutes if that works for you

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Wednesday, March 25, 2020 2:31 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Touch Base?

Sarah – Can we touch base when you have the chance? Thanks.

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 2/25/2020 3:58:59 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: RE: Quick Chat

I'll call now!

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Tuesday, February 25, 2020 10:57 AM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: RE: Quick Chat

Yes sure. I am free now—please call or let me know when I should call you.

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Tuesday, February 25, 2020 10:50 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Quick Chat

Hi Sarah – Are you free this AM for a quick chat? Thanks.

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/25/2020 6:37:11 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: RE: Touch Base?

Yes thank you.

From: Dunham, Sarah [mailto:Dunham.Sarah@epa.gov]
Sent: Wednesday, March 25, 2020 2:32 PM
To: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: RE: Touch Base?

Yes, I'm on a call now but will call you in hopefully about 15 minutes if that works for you

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Wednesday, March 25, 2020 2:31 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Touch Base?

Sarah – Can we touch base when you have the chance? Thanks.

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/25/2020 4:00:16 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: FW: Screen Sharing and Call in for 12:00 Meeting

Importance: High

Please join my meeting from your computer, tablet or smartphone.

Ex. 6 Personal Privacy (PP)

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

Ex. 6 Personal Privacy (PP)

Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/25/2020 2:22:08 AM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
CC: Dunham, Sarah [Dunham.Sarah@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Jim Tamm [james.tamm@dot.gov]
Subject: Re: Updated Preamble

Ross, thank you very much.

Regards, Karl

> On Mar 24, 2020, at 8:39 PM, Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov> wrote:
>
>

Message

From: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Sent: 3/28/2020 6:12:23 PM
To: Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: Deliberative: Updated SAFE Preamble
Attachments: SAFE Preamble to OIRA EO12866 200327 Deliberative.docx; SAFE Preamble Redlines to OIRA EO12866 200327 Deliberative.docx

Making sure you have received. Thanks.

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/19/2020 8:04:34 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: Re: FRIA Redline

Not at all! Thank you.

On Feb 19, 2020, at 2:14 PM, Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov> wrote:

This should help.

I've turned on "read receipts" for this email given our recent IT troubles. Hope you don't mind.
<SAFE FRIA EO12866 200214 vs Preamble redline Deliberative.docx>

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/26/2020 5:32:27 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: RE: Quick Chat?

Hi Ross-

I am free from now until about 2:15, and then could talk again at the end of the day if now doesn't work for you.

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Wednesday, February 26, 2020 12:09 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Quick Chat?

Hi Sarah – When is a good time to reach you today? Thanks.

Appointment

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/26/2020 4:52:38 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: Meeting Forward Notification: Interagency Coordination Conversation
Start: 3/26/2020 5:00:00 PM
End: 3/26/2020 5:30:00 PM
Show Time As: Busy

Your meeting was forwarded

Dunham, Sarah has forwarded your meeting request to additional people.

Meeting

Interagency Coordination Conversation

Meeting Time

Thursday, March 26, 2020 2:00 PM - Thursday, March 26, 2020 2:30 PM

Recipients

Charmley, William

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/26/2020 4:37:18 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: RE: 2:00pm call

Yes I can do that. We will probably also include bill charmley from our end.

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Thursday, March 26, 2020 12:18 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: 2:00pm call

Hi Sarah – We would like to set up a 2pm call with you, Karl, Jonathan, and me. Can you support that? I will get us a conference line. Thanks.

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/6/2020 5:09:23 PM
To: Mullins, Timothy (OST) [Timothy.Mullins@dot.gov]
Subject: RE: Contact Next Week
Attachments: SAFE response to GC comment 3_6_2020.docx

Hi Tim-

We hope the attached document with some suggested red line edits make this response more clear. I'm happy to talk further about this if that would be helpful.

Thanks

From: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Sent: Friday, March 6, 2020 10:49 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: RE: Contact Next Week

Sarah,

Thank you for tracking this down! We think the easiest thing would be if you could just please send me the revised discussion in a Word document when it is ready.

Thanks again,

Tim

From: Dunham, Sarah [<mailto:Dunham.Sarah@epa.gov>]
Sent: Friday, March 6, 2020 10:37 AM
To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Subject: RE: Contact Next Week

Hi Tim-

I have a revised response on the question we talked about on Wednesday. How would you like to receive it?

Thanks

Sarah

From: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Sent: Tuesday, March 3, 2020 5:58 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Re: Contact Next Week

Great! I will try calling you at 830. Thanks!

Get [Outlook for iOS](#)

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Tuesday, March 3, 2020 5:41:35 PM
To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Subject: Re: Contact Next Week

Hi Tim. Either before 9 or at noon are safe. I will have a break mid morning but that is less predictable in terms of time.

On Mar 3, 2020, at 4:11 PM, Mullins, Timothy (OST) <Timothy.Mullins@dot.gov> wrote:

Hi Sarah,

Thanks for talking earlier. We wanted to follow-up on one of the items discussed. When would be a good time to discuss tomorrow morning?

Thanks,

Tim

From: Mullins, Timothy (OST)

Sent: Tuesday, March 03, 2020 10:52 AM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>

Subject: RE: Contact Next Week

Hi Sarah,

The NHTSA team has some very specific technical questions on some of the recent responses/comment we received from EPA. What's the best way for me to pass these along?

Thanks,

Tim

Timothy J. Mullins

Senior Attorney

Office of the General Counsel, Office of Regulation (C-50)

U.S. Department of Transportation

202-366-9038

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>

Sent: Friday, February 28, 2020 11:34 AM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>

Cc: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>

Subject: Contact Next Week

Hi Sarah –

Tim Mullins (cc'd) will be your point of contact while I'm out next week. He can be reached via phone at 202-366-9038.

Thanks,

Ross

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/17/2020 7:29:02 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: comments on section X

Hi Ross-

We have some comments on the draft preamble section X which we think are important to convey. Do you have a couple minutes to talk about how to convey them? I'm reachable at 202 236 1721.

Thanks
Sarah

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 1/16/2020 2:58:38 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: RE: Quick Chat?

Sure, I'm free for the next hour or so if you have time.

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Thursday, January 16, 2020 9:41 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Quick Chat?

Do you have a minute to touch base? Thanks!

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/26/2020 1:28:50 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: RE: Let me know when we can touch base?

I'll call in about five minutes

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Thursday, March 26, 2020 9:27 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Let me know when we can touch base?

Thanks.

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/26/2020 11:45:06 PM
To: Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]
Subject: Re: Quick Chat?

Hi Ross-

We are fine with the comment responses that you shared last night and amended as discussed today. The one thing that folks wanted to share is that in reviewing the text around footnote 1730 from the preamble, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I dont know if that's just a reflection of the draft hasn't yet caught up or if this is where things landed based on further discussions you've had with OMB. But I'll pass along the recommendations that we provided earlier as well:

Ex. 5 Deliberative Process (DP)

Thanks.

On Feb 26, 2020, at 12:13 PM, Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov> wrote:

Hi Sarah – When is a good time to reach you today? Thanks.

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 2/20/2020 4:16:15 PM
To: Ross Rutledge [ross.rutledge1@dot.gov]
Subject: Follow-ups

Hi Ross- I'm following up on two items from our conversation yesterday.

1. For the tracking number, it is not incomplete -- There appears to be an extra dash "-- at the end that is not supposed to be there. The tracking number is correct without that ending dash, FRL-9981-74-OAR, just as it appears for the NPRM.
2. Of the interagency comments we've seen so far, there were a few that did pertain to EPA's program/parts of the package which we would appreciate seeing the response to:

From Interagency comments dated 1/29/2020 (numbered as appears in the comments)

Ex. 5 Deliberative Process (DP)

Thanks!
Sarah

Appointment

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/23/2020 5:48:41 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Al Prescott [aprescott@tesla.com]; Rohan Patel [rohpatel@tesla.com]

Subject: Ex. 6 Personal Privacy (PP)
Location: Call in number to be provided

Start: 3/23/2020 9:00:00 PM
End: 3/23/2020 9:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/20/2020 11:30:36 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Al Prescott [aprescott@tesla.com]; Rohan Patel [rohpatel@tesla.com]

Subject: HOLD FOR CALL
Location: Call in number to be provided

Start: 3/23/2020 9:00:00 PM
End: 3/23/2020 9:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/20/2020 11:30:41 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Al Prescott [aprescott@tesla.com]; Rohan Patel [rohpatel@tesla.com]

Subject: Ex. 6 Personal Privacy (PP)
Location: Call in number to be provided

Start: 3/23/2020 9:00:00 PM
End: 3/23/2020 9:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 3/23/2020 2:44:47 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]

Subject: SAFE Step 2 Call

Location: **Ex. 6 Personal Privacy (PP)**

Start: 3/23/2020 10:30:00 PM

End: 3/23/2020 11:00:00 PM

Show Time As: Busy

Appointment

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 1/16/2020 6:46:41 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Christina Aizcorbe (OST) [Christina.Aizcorbe@dot.gov]

Subject: EPA-DOT call

Location: **Ex. 6 Personal Privacy (PP)**

Start: 1/16/2020 8:00:00 PM

End: 1/16/2020 8:30:00 PM

Show Time As: Busy

Appointment

From: Clark, Jeffrey (ENRD) [jbc1@usdoj.gov]
Sent: 1/15/2020 4:36:58 PM
To: Clark, Jeffrey (ENRD) [jbc1@usdoj.gov]; Brightbill, Jonathan (ENRD) [JBrightbil@ENRD.USDOJ.GOV]; Mutz, John (Fletcher) [mutz.john@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]

Subject: SAFE discussion
Location: DOJ RFK 2143

Start: 1/16/2020 10:30:00 PM
End: 1/16/2020 11:30:00 PM
Show Time As: Busy

Recurrence: (none)

the SAFE part 2 draft preamble

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/23/2020 6:22:53 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT
Attachments: 03232020.docx

Please see attached.

Sincerely,



Jonathan Morrison
Chief Counsel
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-9511

Appointment

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/23/2020 2:46:22 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: SAFE Step 2 Call

Location: **Ex. 6 Personal Privacy (PP)**

Start: 3/23/2020 10:30:00 PM

End: 3/23/2020 11:00:00 PM

Show Time As: Busy

Recurrence: (none)

Message

From: Aizcorbe, Christina (OST) [Christina.Aizcorbe@dot.gov]
Sent: 1/16/2020 1:41:20 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Quick call re: WOTUS

David, I tried a number I have for you but received your voicemail. Any chance you can give me a quick call this evening? Ex. 6 Personal Privacy (PP) Thank you!

Christina Aizcorbe
Deputy General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-8900

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/23/2020 1:28:18 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Owens, James (NHTSA) [j.owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Briefing

Flag: Follow up

That works for me. James won't be able to make it, so you two can just give me a call when you're available and I'll fill him in. Ex. 6 Personal Privacy (PP)

From: Leopold, Matt (OGC) [mailto:Leopold.Matt@epa.gov]
Sent: Monday, March 23, 2020 9:24 AM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Briefing

Does 10:30 work?

Sent from my iPad

On Mar 23, 2020, at 9:02 AM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:

We can use mine: Ex. 6 Personal Privacy (PP)

When can you jump on?

From: Owens, James (NHTSA)
Sent: Monday, March 23, 2020 9:00 AM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Briefing

Do we have a dial in?

Get [Outlook for iOS](#)

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Monday, March 23, 2020 8:59:04 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Briefing

Absolutely.

-----Original Message-----

From: Leopold, Matt (OGC) [mailto:Leopold.Matt@epa.gov]

Sent: Monday, March 23, 2020 8:40 AM

To: Owens, James (NHTSA) <j.owens@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>

Cc: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: Briefing

Good Morning,

I'd like to talk at your earliest convenience about setting up a briefing this week. Can you jump on the phone?

Thanks, Matt

Sent from my iPad

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 2/28/2020 3:08:33 PM
To: Moor, Karl [Moor.Karl@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: Chapter VIII (b)

Hi Karl, yes it is. DOJ cleared it last week.

Get [Outlook for iOS](#)

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Friday, February 28, 2020 6:59:59 AM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Chapter VIII (b)

Jonathan, is VIII(b), final and in with OMB? Regards, Karl

Sent from my iPhone

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 2/28/2020 6:57:39 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT
Attachments: Revised Draft Edits.docx

Flag: Follow up

Hi David,

Thanks to you and the rest of the EPA team for the joint effort. Here's what I believe to be the consolidated draft from both teams for your review.

Ex. 5 Deliberative Process (DP)

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/20/2020 5:24:06 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: Call today

FYI... can you make a call this afternoon?
Get [Outlook for iOS](#)

From: Rohan Patel <rohpatel@tesla.com>
Sent: Friday, March 20, 2020 1:21:12 PM
To: Praytor, Mackenzie (NHTSA) <mackenzie.praytor@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Al Prescott <aprescott@tesla.com>
Subject: Call today

MacKenzie,

Hope you're well. I think our GC, Al Prescott, just got off the phone with your GC, Jonathan Morrison. We're hoping to put together a call today with Administrator Owens, GC Morrison and the appropriate people from the EPA GC's office. Would it be possible to do 4:30EST today? If so, I'll send a zoom dial in. If not, feel free to suggest a better time.

Very much appreciate it,

Rohan

Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/26/2020 11:50:17 AM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Owens, James (NHTSA) [j.owens@dot.gov]
Subject: Re: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Thank you, Jonathan, appreciate the timely response, will be very helpful as the Administrator continues to review materials in advance of Friday's follow on briefing.

Regards, Karl

> On Mar 25, 2020, at 10:54 PM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:
>
>
> <Preamble and Final EIS Text for Several Topics 200325.docx>

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 2/3/2020 7:39:51 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: Are you around today?

That sounds good. Let's check in after 6:30.

Get [Outlook for iOS](#)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Monday, February 3, 2020 2:13:27 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: RE: Are you around today?

Sure! I'm jammed until the end of the day, unfortunately. I could talk for a few minutes at 5:45, or any time after 6:30.

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Monday, February 3, 2020 12:59 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Are you around today?

Hi David, hoping to touch base if you're available today. Thanks!

Sincerely,



Jonathan Morrison
Chief Counsel
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-9511

Message

From: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Sent: 1/14/2020 5:22:24 PM
To: Bajada, Nicholas (ENRD) [Nicholas.Bajada@usdoj.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: Re: SAFE discussion

Nick — Could you please reach out to Fletcher and Jonathan M's scheduler to find a time for this call?

David — I think it is highly unlikely that such a time exists during normal business hours this week. Suggest we might want/ need to circle up and order in, or otherwise do the call in the evening.

JB

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

On Jan 14, 2020, at 11:36 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

PRIVILEGED—DELIBERATIVE

Jon, following up on the discussion we had late last week, could you or your assistant please send us a few potential times that would work for you (and Jeff, as appropriate) this week to discuss the rationale sections in the SAFE part 2 draft preamble? Thank you.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 1/14/2020 1:47:37 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re:

Sounds perfect—thanks!

Get [Outlook for iOS](#)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Monday, January 13, 2020 8:19:41 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject:

Got your vmail. Should we ask Jon B to propose some times that work for ENRD? I also need to coordinate with Matt's schedule, as he'd like to participate as well. Happy to talk it through first thing in the morning.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/26/2020 2:54:14 AM
To: Moor, Karl [Moor.Karl@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Owens, James (NHTSA) [j.owens@dot.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT
Attachments: Preamble and Final EIS Text for Several Topics 200325.docx

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/30/2020 4:28:06 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT FW: final edits

Of course

From: Fotouhi, David [mailto:Fotouhi.David@epa.gov]
Sent: Monday, March 30, 2020 12:27 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT FW: final edits

No. Looking now—can I give you a call?

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Monday, March 30, 2020 12:17 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT FW: final edits

Had you seen the amended language in the language.docx file?

From: Raymond, Kelley [mailto:Raymond.Kelley@epa.gov]
Sent: Monday, March 30, 2020 12:07 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>
Subject: FW: final edits

Jonathan-

Wanted to see if this is something you could help us with, given chain below. In conversations with OMB these are the last changes we owe them, but I think didn't appear in the last version they received. Happy to chat through any questions you may have on the text, but think it'll appear pretty straightforward given last Friday's call.

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Monday, March 30, 2020 12:03 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: RE: final edits

I would suggest that you send to jonathan at nhtsa. I don't believe OMB is making any changes to the text itself, I assume NHTSA still has the pen on the document.

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, March 30, 2020 11:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: final edits

Sarah-

Wanted to mention these edits which we discussed with OMB both this morning and last Friday respectively. One is an edit to the preamble text that we'd like to ensure is made regarding:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'd like to know how best to get these back to OMB with our approval to insert in the final. If you would please send to Matthew that would be great, or if it would be best or me to send through Johnathan over at DOT so it can be married to their master copy please let me know. Happy to facilitate however is needed, but understand OMB needs this right away.

Kelley Raymond

Senior Advisor for the Office of Air and Radiation
U.S. Environmental Protection Agency
Office: 202-564-2949
Cell: 202-924-3385
raymond.kelley@epa.gov

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/30/2020 4:16:55 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT FW: final edits
Attachments: language.docx; PM Excerpt revised_rule.docx

Had you seen the amended language in the language.docx file?

From: Raymond, Kelley [mailto:Raymond.Kelley@epa.gov]
Sent: Monday, March 30, 2020 12:07 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>
Subject: FW: final edits

Jonathan-

Wanted to see if this is something you could help us with, given chain below. In conversations with OMB these are the last changes we owe them, but I think didn't appear in the last version they received. Happy to chat through any questions you may have on the text, but think it'll appear pretty straightforward given last Friday's call.

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Monday, March 30, 2020 12:03 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: RE: final edits

I would suggest that you send to jonathan at nhtsa. I don't believe OMB is making any changes to the text itself, I assume NHTSA still has the pen on the document.

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, March 30, 2020 11:55 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Subject: final edits

Sarah-

Wanted to mention these edits which we discussed with OMB both this morning and last Friday respectively. One is an edit to the preamble text that we'd like to ensure is made regarding **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

I'd like to know how best to get these back to OMB with our approval to insert in the final. If you would please send to Matthew that would be great, or if it would be best or me to send through Johnathan over at DOT so it can be married

to their master copy please let me know. Happy to facilitate however is needed, but understand OMB needs this right away.

Kelley Raymond

Senior Advisor for the Office of Air and Radiation

U.S. Environmental Protection Agency

Office: 202-564-2949

Cell: 202-924-3385

raymond.kelley@epa.gov

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/24/2020 6:38:53 PM
To: Moor, Karl [Moor.Karl@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: Briefing Material - Deliberative
Attachments: DRAFT DELIBERATIVE SAFE Vehicles Rule Mar 24.pptx
Flag: Follow up

Yep--please see attached.

-----Original Message-----

From: Moor, Karl [mailto:Moor.Karl@epa.gov]
Sent: Tuesday, March 24, 2020 2:36 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>
Subject: Briefing Material - Deliberative

Jonathan, we would assume NHTSA/DoT has briefing material for meeting with the Administrator of the EPA and, unfortunately, we need it by 3 pm. If you are unable to provide it, please let us know immediately as well.

Regards, Karl

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 2/8/2020 12:18:19 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT
Attachments: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL Environmental Impacts Draft.docx

Flag: Follow up

Gentlemen,

As we discussed, I've attached the combined draft of this section. Let's touch base on Monday to discuss.

Sincerely,



Jonathan Morrison
Chief Counsel
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-9511

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 2/7/2020 5:59:37 PM
To: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT
Attachments: 20200702.docx

Please see attached for your review.

Sincerely,



Jonathan Morrison
Chief Counsel
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-9511

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/9/2020 1:25:54 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: FW: Deliberative: SAFE Preamble Section VIII.A for EO 12866 Review
Attachments: SAFE Preamble Section VIII A EO12866 200306 Deliberative.docx

Please see attached.

From: Tamm, James (NHTSA)
Sent: Friday, March 6, 2020 8:59 PM
To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Cc: Owens, James (NHTSA) <j.owens@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Aizcorbe, Christina (OST) <Christina.Aizcorbe@dot.gov>; Cote, Gregory (OST) <gregory.cote@dot.gov>; Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Subject: Deliberative: SAFE Preamble Section VIII.A for EO 12866 Review

Tim,

Please see the attached SAFE Preamble Section VIII.A How Standards Fulfill Statutory Obligations – EPA section, which is being provided for EO12866 review.

Thanks.

Jim

Message

From: Raymond, Kelley [Raymond.Kelley@epa.gov]
Sent: 3/29/2020 9:44:12 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Owens, James (NHTSA) [j.owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

Thank you Johnathan! And thanks for the call-

Kelley Raymond
 Office of Air and Radiation
 U.S. Environmental Protection Agency

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Sunday, March 29, 2020 5:33 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

Just confirmed with Don Pickrell—these are not inconsistent. We can include both.

Get [Outlook for iOS](#)

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Sunday, March 29, 2020 4:46:23 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

Okay, then if you would send a redline version please, that would be helpful. To do it by eye would take significant time, and since we're on a tight timeframe to sign, I'm hoping you would have this saved in redline as well as clean.

Kelley Raymond
 Office of Air and Radiation
 U.S. Environmental Protection Agency

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Sunday, March 29, 2020 4:44 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

Hi Kelly, this is meant to be a substitute to the previous language to address a misunderstanding.

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From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Sunday, March 29, 2020 4:40:13 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

Jonathan-

Wanted to ask a question of clarification. Is this language just for our review, and is separate than the uncertainty language which OMB had sent (our edited copy attached for example)? Or is this an edited version of the uncertainty language? With so many emails, I just want to be sure I'm reviewing it looking for the correct things. Assume it's the highlighted text we're to review, but if you could give me the context it would be a great help, because by my quick glance it appears to be a significant departure from the OMB provided text, which mirrors pre-approved uncertainty text from prior EPA regulations.

Thank you!

Kelley Raymond
 Office of Air and Radiation
 U.S. Environmental Protection Agency

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Sunday, March 29, 2020 3:45 PM
To: Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

Hi Karl,

Please see attached from the team draft revised language on uncertainty. This adds draft highlighted language in context of specific areas in the preamble. Let me know whether this works for you, and please feel free to suggest edits.

From: Moor, Karl [<mailto:Moor.Karl@epa.gov>]
Sent: Sunday, March 29, 2020 3:28 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: Re: PM uncertainty language_EPA clean.docx

Jonathan, Please let us know if you want to conference on this.

Regards, Karl

On Mar 29, 2020, at 3:04 PM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:

Thanks Karl, the team is working on some clarifying edits. I'll send those around shortly for your consideration.

Get Outlook for iOS

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Sunday, March 29, 2020 2:48:39 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: PM uncertainty language_EPA clean.docx

Jonathan, retransmitting, this is the one we should be working off. Standing by for conference call, please send call in number to all of us, not everyone may be able to join but want them to have information in case. Please acknowledge that you are able to open this.

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/29/2020 8:45:18 PM
To: Raymond, Kelley [Raymond.Kelley@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Owens, James (NHTSA) [j.owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Re: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

And the highlighted language is new language in context of existing discussions.

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From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Sunday, March 29, 2020 4:40:13 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
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 Office of Air and Radiation
 U.S. Environmental Protection Agency

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Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

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Sent: Sunday, March 29, 2020 3:28 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>
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Subject: PM uncertainty language_EPA clean.docx

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CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Owens, James (NHTSA) [j.owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx
Attachments: PM uncertainty language clean_EPA.docx

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Kelley Raymond
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 U.S. Environmental Protection Agency

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Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx

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Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: Re: PM uncertainty language_EPA clean.docx

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Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/29/2020 8:02:42 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Owens, James (NHTSA) [j.owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language EPA clean.docx

EPA Team: please let me know via email, separately to me, whether you approve or have suggestions for change with the revised text and placement. Brittany, this may be something that the Administrator has to see before we can sign off on. Am standing by for approvals and will take no action until I hear from the group. With Regard, Karl

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Sunday, March 29, 2020 3:45 PM
To: Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Owens, James (NHTSA) <j.owens@dot.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
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Subject: Re: PM uncertainty language_EPA clean.docx

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Subject: PM uncertainty language_EPA clean.docx

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Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/29/2020 7:45:22 PM
To: Moor, Karl [Moor.Karl@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Owens, James (NHTSA) [j.owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: PM uncertainty language_EPA clean.docx
Attachments: v3_PM uncertainty language.docx

Hi Karl,

Please see attached from the team draft revised language on uncertainty. This adds draft highlighted language in context of specific areas in the preamble. Let me know whether this works for you, and please feel free to suggest edits.

From: Moor, Karl [mailto:Moor.Karl@epa.gov]
Sent: Sunday, March 29, 2020 3:28 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: Re: PM uncertainty language_EPA clean.docx

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From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Sunday, March 29, 2020 2:48:39 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>
Subject: PM uncertainty language_EPA clean.docx

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Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 3/5/2020 4:51:54 PM
To: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
CC: Matthew Leopold (Leopold.Matt@epa.gov) [Leopold.Matt@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: PRIVILEGED/DELIBERATIVE Revised Draft SAFE EPA Justification
Attachments: Revised Draft Section 8A 2020-03-05.docx

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Jon:

The attached document is an updated version of Section 8(A) and reflects the results of coordination between EPA and NHTSA since our last meeting. I will give you a call to discuss further.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 2/22/2020 1:29:00 AM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]
Subject: DRAFT—DELIBERATIVE—DO NOT RELEASE
Attachments: Chapter 8 (Redline 2-03 vs 2-21) EPA Justification.docx

DRAFT—DELIBERATIVE—DO NOT RELEASE

Jonathan: a revised draft with additional thoughts is attached for your review. Please feel free to give Karl or me a call to discuss.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 2/26/2020 5:01:50 AM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: Accepted: Review Discussion
Location: Your Shop

Start: 2/26/2020 10:30:00 PM
End: 2/27/2020

Recurrence: (none)

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 1/22/2020 4:26:04 PM
To: Deputy Scheduler [DeputyScheduler@dot.gov]
Subject: Meeting Forward Notification: DOT/EPA ICAO CO2 Emissions Meeting
Start: 1/22/2020 4:30:00 PM
End: 1/22/2020 5:00:00 PM
Show Time As: Busy

Your meeting was forwarded

Fotouhi, David has forwarded your meeting request to additional people.

Meeting

DOT/EPA ICAO CO2 Emissions Meeting

Meeting Time

Wednesday, January 22, 2020 2:00 PM - Wednesday, January 22, 2020 2:45 PM

Recipients

Orlin, David

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 3/24/2020 7:30:11 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Thank you!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Tuesday, March 24, 2020 3:27 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

FYI, see below:

Ex. 5 Attorney Work Product (AWP)

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 2/7/2020 9:15:13 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Thank you

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Friday, February 7, 2020 1:00 PM
To: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Please see attached for your review.

Sincerely,



Jonathan Morrison
Chief Counsel
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-9511

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 3/9/2020 1:24:08 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]

Could you send me the version of 8 that goes over to OIRA? Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 1/17/2020 4:42:03 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: Re:

Yes, works for me!

Sent from my iPhone

On Jan 17, 2020, at 10:45 AM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:

Forgot to click send. 2:00pm works for me if still available for you.

From: Fotouhi, David [mailto:Fotouhi.David@epa.gov]
Sent: Thursday, January 16, 2020 7:55 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: Re:

Great. I could do noon or 2pm.

Sent from my iPhone

On Jan 16, 2020, at 7:48 PM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:

I can be available anytime in the afternoon. What works for you?

Get [Outlook for iOS](#)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, January 16, 2020 7:39:13 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject:

Thanks for the good conversation tonight. Will give you a ring tomorrow. Any times that work better for you?

Sent from my iPhone

Appointment

From: Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDED-RAKOSNIK, D]
Sent: 2/3/2020 9:52:02 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Owens, James (OST) [James.Owens@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Pearson-Walker, Sandra (OST) [s.pearson-walker@dot.gov]; Praytor, Mackenzie (NHTSA) [mackenzie.praytor@dot.gov]
CC: Steven.Bradbury@dot.gov; Jonathan.Morrison@dot.gov
Subject: Call with NHTSA (James Owens and Steve Bradbury) re: SAFE
Location: Ex. 6 Personal Privacy (PP)
Start: 2/5/2020 2:30:00 PM
End: 2/5/2020 3:00:00 PM
Show Time As: Busy

Ex. 6 Personal Privacy (PP)

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/25/2020 12:57:08 PM
To: Moor, Karl [Moor.Karl@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: Briefing Material - Deliberative

Thanks, Karl!

-----Original Message-----

From: Moor, Karl [mailto:Moor.Karl@epa.gov]
Sent: Wednesday, March 25, 2020 8:55 AM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: Briefing Material - Deliberative

Ex. 5 Deliberative Process (DP)

Regards, Karl

> On Mar 24, 2020, at 2:39 PM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:
>
>

Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/24/2020 12:56:27 AM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: Re: Deadline - Deliberative as to underlying topic and drafts

Thank you, Jonathan, this is very helpful.

Regards, Karl

> On Mar 23, 2020, at 7:57 PM, Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov> wrote:
>
> Hi Karl,
>
> Sorry for the delay. Per your request, I asked some of the team to put together their thoughts on
this. Please see attached edits for your consideration.
>
> -----Original Message-----
> From: Moor, Karl [mailto:Moor.Karl@epa.gov]
> Sent: Monday, March 23, 2020 3:44 PM
> To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
> Subject: Deadline - Deliberative as to underlying topic and drafts
>
> Dear Jonathan, have a 5 pm deadline for tomorrow morning's briefing – just a tickle, not a primal
scream (yet).
>
> Regards, Karl
> <NHTSA edits 3 page summary of SAFE FRM for Adm Wheeler 3.23.2020 v3.docx>

Appointment

From: Jonathan.Morrison@dot.gov [Jonathan.Morrison@dot.gov]
Sent: 2/4/2020 10:19:57 PM
To: Idsal, Anne [idsal.anne@epa.gov]
Subject: Accepted: Call with NHTSA (James Owens and Steve Bradbury) re: SAFE
Location: **Ex. 6 Personal Privacy (PP)**
Start: 2/5/2020 2:30:00 PM
End: 2/5/2020 3:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Steven.Bradbury@dot.gov [Steven.Bradbury@dot.gov]

Sent: 2/4/2020 4:21:47 PM

To: Idsal, Anne [idsal.anne@epa.gov]

Subject: Accepted: Call with NHTSA (James Owens and Steve Bradbury) re: SAFE

Location: **Ex. 6 Personal Privacy (PP)**

Start: 2/5/2020 2:30:00 PM

End: 2/5/2020 3:00:00 PM

Show Time As: Busy

Recurrence: (none)

Appointment

From: s.pearson-walker@dot.gov [s.pearson-walker@dot.gov]
Sent: 2/4/2020 3:40:40 PM
To: Idsal, Anne [idsal.anne@epa.gov]

Subject: Accepted: Call with NHTSA (James Owens and Steve Bradbury) re: SAFE
Location: Ex. 6 Personal Privacy (PP)

Start: 2/5/2020 2:30:00 PM
End: 2/5/2020 3:00:00 PM
Show Time As: Busy

Recurrence: (none)

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/29/2020 11:20:23 PM
To: Moor, Karl [Moor.Karl@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: RE: Final

Thanks!

-----Original Message-----

From: Moor, Karl [mailto:Moor.Karl@epa.gov]
Sent: Sunday, March 29, 2020 7:11 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: Final

Jonathan, the next document from Kelley, is it for us. We have additional issues we are exploring internally and will alert you if those prove to be of significant concern.

Regards, Karl

Message

From: Moor, Karl [Moor.Karl@epa.gov]
Sent: 3/29/2020 6:48:39 PM
To: Jonathan Morrison [jonathan.morrison@dot.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]
Subject: PM uncertainty language_EPA clean.docx
Attachments: PM uncertainty language_EPA clean.docx; ATT00001.txt

Jonathan, retransmitting, this is the one we should be working off. Standing by for conference call, please send call in number to all of us, not everyone may be able to join but want them to have information in case. Please acknowledge that you are able to open this.

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 3/23/2020 2:44:49 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]

Subject: SAFE Step 2 Call

Location: **Ex. 6 Personal Privacy (PP)**

Start: 3/23/2020 10:30:00 PM

End: 3/23/2020 11:00:00 PM

Show Time As: Tentative

Message

From: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Sent: 3/19/2020 1:31:36 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Jonathan Morrison (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: Give me ...

Teslas vs. Trucks please! Why are people with hard hats subsidizing people with these hats ...



Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 3/5/2020 4:51:54 PM
To: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: PRIVILEGED/DELIBERATIVE Revised Draft SAFE EPA Justification
Attachments: Revised Draft Section 8A 2020-03-05.docx

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Jon:

The attached document is an updated version of Section 8(A) and reflects the results of coordination between EPA and NHTSA since our last meeting. I will give you a call to discuss further.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Sent: 3/24/2020 6:15:55 PM
To: Jonathan Morrison (NHTSA) [Jonathan.Morrison@dot.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Clark, Jeffrey (ENRD) [jbc1@usdoj.gov]
Subject: Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Ex. 5 Attorney Work Product (AWP)

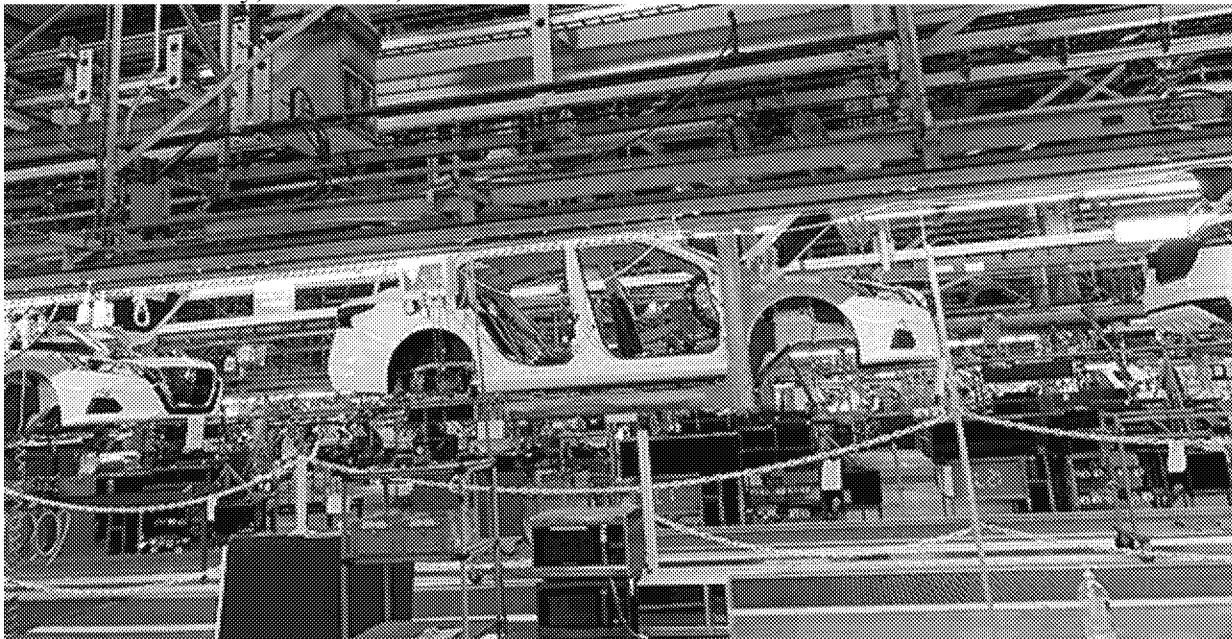
Thank you,
Jon

TRANSPORTATION

Automakers send coronavirus requests to Congress

Maxine Joselow, E&E News reporter

Published: Tuesday, March 24, 2020



A sedan moves down the assembly line at the Nissan manufacturing plant in Smyrna, Tenn. Maxine Joselow/E&E News

The U.S. auto industry is joining the growing list of industries seeking federal assistance amid the coronavirus crisis.

The industry is asking Congress for relief in the form of loan guarantees, tax deductions for employees' paid leave and deferred corporate tax payments.

Those demands were spelled out in a letter yesterday to House and Senate leaders from the Alliance for Automotive Innovation, National Automobile Dealers Association and Motor & Equipment Manufacturers Association.

In addition to the loan guarantees and tax relief, the groups are seeking to delay the June 1 entry into the United States-Mexico-Canada Agreement.

"The auto industry has put together a high-level industry task force to monitor the situation, share information and address future developments driven by recommendations from public health experts," John Bozzella, president of the Alliance for Automotive Innovation, said in a statement.

"As Congress and the administration continue to develop legislation, we will continue to closely monitor the industry and economy for potential impacts on consumers," he added.

The request comes after major automakers suspended production at their U.S. factories and as analysts forecast that March car sales could plunge as much as 41% compared with last year.

President Trump, who has feuded with the auto industry over clean car standards and other matters, has signaled his willingness to provide assistance during the COVID-19 pandemic.

"We're watching the auto industry very much. We're going to be helping them out, at least a little bit," Trump said on a Friday conference call with the nation's governors.

"They've sort of requested some help," he added. "And it wasn't their fault what happened. So we'll be taking care of the auto industry."

In addition, Trump tweeted Sunday that General Motors Co., Ford Motor Co. and Tesla Inc. had been given the "go-ahead" to make ventilators amid a shortage during the pandemic.

Still, it's unlikely that Congress will act on these requests in the near term. The Senate remains deadlocked over the third stimulus package aimed at helping people and businesses affected by the pandemic (*E&E Daily*, March 24).

In addition, Rep. Debbie Dingell (D-Mich.) has said the auto industry remains wary of asking for more money following the \$63.5 billion bailout of General Motors and Fiat Chrysler Automobiles NV in 2008 and 2009.

"The companies don't want to be perceived as asking for a bailout," Dingell told *The Detroit News* last week.
Twitter: @maxinejoselow Email: mjoselow@eenews.net

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766

Ex. 6 Personal Privacy (PP)

Jonathan.Brightbill@usdoj.gov

Message

From: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Sent: 3/26/2020 3:42:53 PM
To: Jonathan Morrison (NHTSA) [Jonathan.Morrison@dot.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Clark, Jeffrey (ENRD) [jbc1@usdoj.gov]
Subject: RE: Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Ex. 5 Attorney Client (AC)

Thank you,
Jon

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

Message

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 3/28/2020 2:25:59 AM
To: Moor, Karl [Moor.Karl@epa.gov]
Subject: Re: E.O. 12866 Review - interagency comments on SAFE package

Many thanks—passing on to the team now!

Get [Outlook for iOS](#)

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Friday, March 27, 2020 10:23:13 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

FYI

From: Moor, Karl
Sent: Friday, March 27, 2020 10:06 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Sarah, could you please pass-back to OERI and share with NHTSA

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Regards, Karl

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Friday, March 27, 2020 8:53 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Fwd: E.O. 12866 Review - interagency comments on SAFE package

Begin forwarded message:

From: "Oreska, Matthew P. EOP/OMB" <Ex. 6 Personal Privacy (PP)>
Date: March 27, 2020 at 8:46:42 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Mullins, Timothy (OST)" <Timothy.Mullins@dot.gov>
Cc: "Achanta, Chandana L. EOP/OMB" <Ex. 6 Personal Privacy (PP)>
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

Please find attached suggested edits re: PM uncertainty, per earlier discussion.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 10:18 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Sending one additional item:

We would like to schedule a conversation to discuss the inconsistency in the PM health effects discussion in **Sec. VI(D)(3)** Impacts beginning on p. 1080 vs. in the final ACE vs. the draft NAAQS proposal.

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 8:13 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Please see one additional item:

Social cost of carbon: DOT did not present both 3% and 7% estimates for social cost of carbon as primary estimates. They only presented 3% as the primary and the disbenefits are \$6 billion, rather than <\$1 billion to \$6 billion. 7% is relegated as a sensitivity analysis.

(p. 152)

Correcting the estimate of gallons saved from the preferred alternative in the 2012 rule and considering only the domestic social cost of carbon further reduces the savings in carbon damages to \$6 billion.

(p. 1054)

(a) SC-CO₂ for the Final Rule

After carefully considering the concerns raised by commenters, the agencies decided to leave the SC-CO₂ values unchanged for the final rule. This means the SC-CO₂ estimate used in this analysis is still a domestic value that was constructed using a 3 percent discount rate, and that costs from increased CO₂ emissions are discounted from the year those emissions occur to the present using a 3 percent rate. The agencies have again included “High Social Cost of Carbon” and “Low Social Cost of Carbon” sensitivity

analyses, which continue to use domestic SC-CO₂ values that incorporate alternative discount rates of 2.5 percent and 7 percent.

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 8:05 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

We appreciate the agencies sending us the revised passbacks yesterday, which included responses to interagency comments, and the additional comment responses this afternoon. Chandana sent a few edits earlier today. We also received the following comments/edit requests today:

1. The agencies' response on the apparent fuel savings bias suggests that the agencies may not have fully understood the comment. We would like to discuss further if the agency is firm in its current response and prefers not to discuss how this could affect net benefits.
2. Off-cycle credits: we note that the p. 1628 discussion re: suppliers participating in off-cycle credits does not accord with the revisions elsewhere (e.g., pp. 41 and 666). Please revise p. 1628 discussion and part 86.1869 reg text.
3. FRIA PM Valuation: it looks like DOT is using the benefits/ton numbers, but to be consistent with other parts of the RIA and EPA practices, DOT should change "low estimate" to "Krewski" and "high estimate" to "Lepeule" in Tables VI-284 and 285.
4. On page 291, the preamble includes the following text "2.0 is recommended by the U.S. Department of Energy for estimating the cost of hybrid-electric and automotive fuel cell costs." without a citation. It's not clear where this comes from and we'd recommend the agencies provide that information.

We understand that the agencies are still working on the following items:

1. We are asking that EPA indicate in the preamble that it will evaluate the full spectrum of interactions between the mobile and stationary source requirements of the CAA, particularly the intersection between state SIPs and the SAFE requirements as they apply to incorporating EGU emissions.
2. Please let us know if the agencies have decided to simply the CFR text at 86.1868-12(g)(3).
3. FEIS chapter edits (multiple chapters).

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 10:30 AM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good morning,

In reviewing the latest preamble passback, we have noted that there do not appear to be notable changes to the EPA justification (section VIII) relative to the last version. Is EPA still working on edits to this part of the preamble to address comments that were provided on the 3/13 call?

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 9:08 AM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Chandana.L.Achanta@omb.eop.gov>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good morning,

Please let us know as soon as possible today whether this change is acceptable. We appreciate your consideration.

Sincerely,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, March 25, 2020 8:30 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Chandana.L.Achanta@omb.eop.gov>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Greetings,

We have one final request regarding upstream emissions:

We are asking that EPA indicate in the preamble that it will evaluate the full spectrum of interactions between the mobile and stationary source requirements of the CAA, particularly the intersection between state SIPs and the SAFE requirements as they apply to incorporating EGU emissions. This might include the full fuel cycle analysis as well as analysis of SIP implementation requirements.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Monday, March 23, 2020 12:20 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Greetings,

Please find attached an interagency comment on p. 10-40. To the best of our knowledge, this is the last interagency comment on a FEIS section.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Friday, March 20, 2020 6:29 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

Please find attached one comment on the FEIS chapter 10.4. Regarding the latest version of the FRIA, please note that interagency reviewers are reserving comments already submitted pertaining to the preamble and the equivalent text in the FRIA. Interagency reviewers are expecting to see another passback on the preamble (and on the FRIA if there are novel changes to that document that are not duplicative with the preamble edits).

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Thursday, March 19, 2020 6:58 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

Please find attached interagency comments on two additional EIS chapters.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, March 13, 2020 7:18 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

In the interest of time, we are sending interagency comments on the EIS as received. Please find attached comments on two EIS chapters.

We appreciate both agencies participating in the discussion this morning and agreeing to provide follow up responses on specific points this coming Monday. Just to confirm, we would appreciate affirmative responses regarding whether the agencies are amenable to changes for all six topics on Monday.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, March 13, 2020 1:30 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Good afternoon,

Please find attached the additional, technical, interagency redline edits that were provided after this morning's call. The edits are highlighted yellow and begin on p. 1219.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, March 11, 2020 12:15 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Greetings,

I am forwarding two technical edit requests from DOE. We do not believe there are additional edit requests from other agencies at this time, aside from those that will be conveyed on Friday's call. We will follow up with the interagency reviewers after receiving the preamble passback.

Thank you,

Matthew

- 1.) Footnote 646: It would be helpful to cite research from DOE's Vehicle Technology Office.
- 2.) Footnote 649: This footnote could be strengthened by Ward, Gohlke, Nealer 2017. JOM. *The Importance of Powertrain Downsizing in a Benefit-Cost Analysis of Vehicle Lightweighting*.

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, February 28, 2020 5:13 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Good afternoon,

Please find attached additional interagency comments on the SAFE package. In addition, please note that the comment bubbles comments provided on Monday in pp. 1-33 in the preamble document also apply to the FRIA.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Monday, February 24, 2020 5:52 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Good afternoon,

OIRA discussed the following questions with DOT today. We would greatly appreciate joint responses from EPA and DOT:

1. Commenters request clarity on whether the impacts numbers will change or if the tables sent over are the final numbers.
2. What changed between the summary numbers that we saw in the original preamble that we received in January and the version that we see in the RIA now?
3. Commenters request clarify on why the analysis goes to 2029?
4. Why do tables show impacts for some alternatives including MY 22-26 and other alternatives from MY 21-26? What's happening in 2021?
5. Commenters request clarity on the assumption of 90% offset for rebound. Where does this offset number come from?
6. What alternative maximizes net benefits separately for cars and trucks? It seems 2% stringency for cars and half a percent increase for trucks maximizes net benefits. Is that the agency understanding as well?
7. Why are net benefits different for CAFÉ versus CO2?
8. Why do congestion costs go down in truck table and congestion costs always go up for cars?
9. Commenters request clarity on why the agency did not include implicit opportunity costs in the primary analysis? Is there more coming on this sensitivity? Including more text on approaches etc?

In addition, please find attached a few additional interagency comments on the preamble on pp. 1-33.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, February 12, 2020 6:37 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

OIRA is sending the following, additional interagency comments on this rule. These are the same comments sent earlier to DOT.

Thank you,

Matthew

1. Commenters recommend that DOT update the energy security benefits using the “combined” estimates in the latest Brown (2018) study. Please also update discussion to reflect the fact that US is a net exporter. U.S. is currently a net exporter of crude and petroleum products. See EIA weekly data.

https://www.eia.gov/dnav/pet/PET_MOVE_WKLY_DC_NUS-Z00_MBBLPD_W.htm

2. SCC: It looks like DOT is providing 3% as the central case, 7% as the “high sensitivity” case and 2.5% as the “low sensitivity” case. Commenters request DOT to be consistent with EPA on the application of the interim values and present 3% and 7% as primary estimates, and lower discount rates and global estimates as sensitivity in an appendix. Commenters already sent language during the NPRM stage. DOT would need to cut and paste the language and do a simple spreadsheet multiplication to do this correctly.

From: Oreska, Matthew P. EOP/OMB

Sent: Tuesday, February 4, 2020 6:30 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

Please find attached the additional, technical comments on the preamble.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, January 31, 2020 12:53 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good afternoon,

We are sending a second batch of comments received from interagency reviewers. Please find two sets attached and another set below.

Thank you,

Matthew

It is not possible to do a meaningful review of this action at this time, because the document does not include the analysis of costs or the analysis of benefits.

It is not made clear until 100 pages into the document that the “preferred alternative” is, in fact the rule that is being finalized. We could not find anywhere in the preamble where EPA explained why the “preferred alternative” was preferred. The conclusions of the analysis that are presented in the Executive Summary (and nowhere else) seem to indicate that the benefits of increasing fuel efficiency

always exceed the costs for any alternative EPA and NHTSA evaluated and the “preferred option” does not maximize net benefits.

In the discussion of the methodology of calculating costs and benefits, changes in fuel tax revenues appear to be included as social benefits/costs. It is not clear why these revenues are not treated as a transfer. Without access to the RIA, it is impossible to know what additional issues might raise questions about the results of the analysis.

With respect to impacts on agriculture specifically, the main issues would seem to revolve around the discussion of the use of higher ethanol blends to increase octane content of fuels, which can be used with certain advanced engines to improve fuel economy and reduce the carbon footprint of vehicles. For what it is worth, there are agricultural stakeholders on both sides of this issue. However, corn growers and renewable fuel advocates commented extensively in favor of having this rule advance this combined fuel/engine technology. The Agencies conclude that any such requirement is beyond the scope of the rule as proposed and elect not to pursue any regulatory action as part of this rule. However, the preamble seems to suggest that the Agencies accept that there may be some promise to pursuing such a technological approach. It would be helpful if the Agencies (particularly EPA) could commit to investigating such an option and what it would require in terms of regulation over some reasonable timeframe. The current preamble does not appear to say anything other than we may look at this sometime in the future if we are ever forced to revise these standards again.

Page 12. The final standards should be compared to the existing standard, not to a hypothetical freeze of standards at MY2020 levels.

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, January 29, 2020 7:06 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

Here are initial interagency comments we received on the current version of the Preamble. We are sending the same to our DOT contacts as well.

1. It is interagency reviewers' understanding that the rule does not incorporate the ZEV program into the baseline.
 - a. Can the agencies please confirm this understanding? It seems that the rule assumes California will not enforce the ZEV mandate and that any increase in EVs and purchase stemming from the ZEV program (and the benefits) are attributed to this CAFÉ rule?
 - b. What does it mean when the Preamble states that there is a ZEV program enforcement “set aside” in calculating fuel prices? Is there a separate analytical run or sensitivity case with the assumption that California will enforce the existing ZEV program?
 - c. How does the treatment of ZEV program in the analysis in this final rule differ from the 2012 final rule analysis of the augural standards?
2. What are the incremental annual costs and benefits of extending the upstream emissions flexibility for EVs? With the new/less stringent standards, how will OEMs respond to not having

this potentially distortionary flexibility just for EVs? Which particular OEMs would still need this flexibility to meet the new/less stringent standards? How does the rule account for upstream emissions of ICEs for compliance purposes?

3. Will the modeling discussion beginning on page 489 change or is that the most updated thinking on how NHTSA will use the models for the analysis?
4. Did the agencies update the air quality/PM modeling based on information provided by interagency reviewers during the NPRM phase?
5. Similarly, did the agencies update social cost of carbon and methane numbers based on information that commenters provided during the NPRM phase?
6. Refueling effects: It appears that the entire amount of increased fuel usage is accounted for in the estimate of increased refueling costs. If so, this would imply that, in addition to those who refuel only when their fuel level is low, individuals who “fill up” on a regular basis regardless of the level of fuel in the tank (for example as a matter of convenience while out running errands on the weekend so as to have a full tank to start the week) are included in this calculation. Interagency reviewers seem to recall discussing this issue at the NPRM stage and expected this class of drivers to be excluded from the refueling calculations in the final rule to the appropriate extent. Additionally, commenters request clarity on why the agencies did not include children’s time in the central case and only included them in the sensitivity case.
7. Commenters request clarity on how EPA is addressing response to comment for the sections that EPA is contributing to the rule.

Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget

Ex. 6 Personal Privacy (PP)

Message

From: Raymond, Kelley [Raymond.Kelley@epa.gov]
Sent: 3/29/2020 11:12:48 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]
Subject: Re: version to send
Attachments: PM uncertainty language clean v2 12866 (002).docx-bb.docx; ATT00001.htm

Jonathan-

I have this version attached which incorporated some further grammatical edits and suggested a sentence to remove. I think you had found the grammatical issues before, but sending just in case.

Message

From: Moor, Karl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54EEA103CD094C3E92B1C4B459FDB45D-MOOR, KARL]
Sent: 3/24/2020 6:59:32 PM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: RE: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: Briefing Material - Deliberative

Jonathan, thank you. May we have a list of phone participants and times for tomorrow's call and we would ask you to consider an appointees only meeting sometime on Thursday or Friday in order to facilitate reaching the goal. Regards, Karl

-----Original Message-----

From: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Sent: Tuesday, March 24, 2020 2:39 PM
To: Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: DRAFT DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT RE: Briefing Material - Deliberative

Yep--please see attached.

-----Original Message-----

From: Moor, Karl [mailto:Moor.Karl@epa.gov]
Sent: Tuesday, March 24, 2020 2:36 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>
Subject: Briefing Material - Deliberative

Jonathan, we would assume NHTSA/DoT has briefing material for meeting with the Administrator of the EPA and, unfortunately, we need it by 3 pm. If you are unable to provide it, please let us know immediately as well.

Regards, Karl

Message

From: Moor, Karl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54EEA103CD094C3E92B1C4B459FDB45D-MOOR, KARL]
Sent: 3/28/2020 2:23:13 AM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package
Attachments: PM uncertainty language clean -- rev.docx

FYI

From: Moor, Karl
Sent: Friday, March 27, 2020 10:06 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Sarah, could you please pass-back to OERI and share with NHTSA our suggested edits to the

Ex. 5 Deliberative Process (DP)

Regards, Karl

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Friday, March 27, 2020 8:53 PM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Fwd: E.O. 12866 Review - interagency comments on SAFE package

Begin forwarded message:

From: "Oreska, Matthew P. EOP/OMB" **Ex. 6 Personal Privacy (PP)**
Date: March 27, 2020 at 8:46:42 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Mullins, Timothy (OST)" <Timothy.Mullins@dot.gov>
Cc: "Achanta, Chandana L. EOP/OMB" < <**Ex. 6 Personal Privacy (PP)**
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

Please find attached suggested edits re: PM uncertainty, per earlier discussion.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 10:18 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Sending one additional item:

We would like to schedule a conversation to discuss the inconsistency in the PM health effects discussion in **Sec. VI(D)(3)** Impacts beginning on p. 1080 vs. in the final ACE vs. the draft NAAQS proposal.

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 8:13 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Please see one additional item:

Social cost of carbon: DOT did not present both 3% and 7% estimates for social cost of carbon as primary estimates. They only presented 3% as the primary and the disbenefits are \$6 billion, rather than <\$1 billion to \$6 billion. 7% is relegated as a sensitivity analysis.

(p. 152)

Correcting the estimate of gallons saved from the preferred alternative in the 2012 rule and considering only the domestic social cost of carbon further reduces the savings in carbon damages to \$6 billion.

(p. 1054)

(a) SC-CO₂ for the Final Rule

After carefully considering the concerns raised by commenters, the agencies decided to leave the SC-CO₂ values unchanged for the final rule. This means the SC-CO₂ estimate used in this analysis is still a domestic value that was constructed using a 3 percent discount rate, and that costs from increased CO₂ emissions are discounted from the year those emissions occur to the present using a 3 percent rate. The agencies have again included “High Social Cost of Carbon” and “Low Social Cost of Carbon” sensitivity analyses, which continue to use domestic SC-CO₂ values that incorporate alternative discount rates of 2.5 percent and 7 percent.

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 8:05 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

We appreciate the agencies sending us the revised passbacks yesterday, which included responses to interagency comments, and the additional comment responses this afternoon. Chandana sent a few edits earlier today. We also received the following comments/edit requests today:

- 1.) The agencies' response on the apparent fuel savings bias suggests that the agencies may not have fully understood the comment. We would like to discuss further if the agency is firm in its current response and prefers not to discuss how this could affect net benefits.
- 2.) Off-cycle credits: we note that the p. 1628 discussion re: suppliers participating in off-cycle credits does not accord with the revisions elsewhere (e.g., pp. 41 and 666). Please revise p. 1628 discussion and part 86.1869 reg text.
- 3.) FRIA PM Valuation: it looks like DOT is using the benefits/ton numbers, but to be consistent with other parts of the RIA and EPA practices, DOT should change "low estimate" to "Krewski" and "high estimate" to "Lepeule" in Tables VI-284 and 285.
- 4.) On page 291, the preamble includes the following text "2.0 is recommended by the U.S. Department of Energy for estimating the cost of hybrid-electric and automotive fuel cell costs." without a citation. It's not clear where this comes from and we'd recommend the agencies provide that information.

We understand that the agencies are still working on the following items:

- 1.) We are asking that EPA indicate in the preamble that it will evaluate the full spectrum of interactions between the mobile and stationary source requirements of the CAA, particularly the intersection between state SIPs and the SAFE requirements as they apply to incorporating EGU emissions.
- 2.) Please let us know if the agencies have decided to simplify the CFR text at 86.1868-12(g)(3).
- 3.) FEIS chapter edits (multiple chapters).

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 26, 2020 10:30 AM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good morning,

In reviewing the latest preamble passback, we have noted that there do not appear to be notable changes to the EPA justification (section VIII) relative to the last version. Is EPA still working on edits to this part of the preamble to address comments that were provided on the 3/13 call?

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Thursday, March 26, 2020 9:08 AM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Ex. 6 Personal Privacy (PP)

Good morning,

Please let us know as soon as possible today whether this change is acceptable. We appreciate your consideration.

Sincerely,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Wednesday, March 25, 2020 8:30 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Ex. 6 Personal Privacy (PP)

Greetings,

We have one final request regarding upstream emissions:

We are asking that EPA indicate in the preamble that it will evaluate the full spectrum of interactions between the mobile and stationary source requirements of the CAA, particularly the intersection between state SIPs and the SAFE requirements as they apply to incorporating EGU emissions. This might include the full fuel cycle analysis as well as analysis of SIP implementation requirements.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Monday, March 23, 2020 12:20 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Greetings,

Please find attached an interagency comment on p. 10-40. To the best of our knowledge, this is the last interagency comment on a FEIS section.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, March 20, 2020 6:29 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

Please find attached one comment on the FEIS chapter 10.4. Regarding the latest version of the FRIA, please note that interagency reviewers are reserving comments already submitted pertaining to the preamble and the equivalent text in the FRIA. Interagency reviewers are expecting to see another passback on the preamble (and on the FRIA if there are novel changes to that document that are not duplicative with the preamble edits).

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Thursday, March 19, 2020 6:58 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB

Ex. 6 Personal Privacy (PP)

Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Good evening,

Please find attached interagency comments on two additional EIS chapters.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Friday, March 13, 2020 7:18 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB
Subject: RE: E.O. 12866 Review - interagency comments on SAFE package

Ex. 6 Personal Privacy (PP)

Good evening,

In the interest of time, we are sending interagency comments on the EIS as received. Please find attached comments on two EIS chapters.

We appreciate both agencies participating in the discussion this morning and agreeing to provide follow up responses on specific points this coming Monday. Just to confirm, we would appreciate affirmative responses regarding whether the agencies are amenable to changes for all six topics on Monday.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Friday, March 13, 2020 1:30 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB
Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Ex. 6 Personal Privacy (PP)

Good afternoon,

Please find attached the additional, technical, interagency redline edits that were provided after this morning's call. The edits are highlighted yellow and begin on p. 1219.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Wednesday, March 11, 2020 12:15 PM
To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB
Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Ex. 6 Personal Privacy (PP)

Greetings,

I am forwarding two technical edit requests from DOE. We do not believe there are additional edit requests from other agencies at this time, aside from those that will be conveyed on Friday's call. We will follow up with the interagency reviewers after receiving the preamble passback.

Thank you,

Matthew

- 1.) Footnote 646: It would be helpful to cite research from DOE's Vehicle Technology Office.
- 2.) Footnote 649: This footnote could be strengthened by Ward, Gohlke, Nealer 2017. JOM. *The Importance of Powertrain Downsizing in a Benefit-Cost Analysis of Vehicle Lightweighting*.

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, February 28, 2020 5:13 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Good afternoon,

Please find attached additional interagency comments on the SAFE package. In addition, please note that the comment bubbles comments provided on Monday in pp. 1-33 in the preamble document also apply to the FRIA.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Monday, February 24, 2020 5:52 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

Good afternoon,

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2. What changed between the summary numbers that we saw in the original preamble that we received in January and the version that we see in the RIA now?
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In addition, please find attached a few additional interagency comments on the preamble on pp. 1-33.

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To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

OIRA is sending the following, additional interagency comments on this rule. These are the same comments sent earlier to DOT.

Thank you,

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- 1) Commenters recommend that DOT update the energy security benefits using the “combined” estimates in the latest Brown (2018) study. Please also update discussion to reflect the fact that US is a net exporter. U.S. is currently a net exporter of crude and petroleum products. See EIA weekly data.

https://www.eia.gov/dnav/pet/PET_MOVE_WKLY_DC_NUS-Z00_MBBLPD_W.htm

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From: Oreska, Matthew P. EOP/OMB

Sent: Tuesday, February 4, 2020 6:30 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

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Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good afternoon,

We are sending a second batch of comments received from interagency reviewers. Please find two sets attached and another set below.

Thank you,

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It is not possible to do a meaningful review of this action at this time, because the document does not include the analysis of costs or the analysis of benefits.

It is not made clear until 100 pages into the document that the “preferred alternative” is, in fact the rule that is being finalized. We could not find anywhere in the preamble where EPA explained why the “preferred alternative” was preferred. The conclusions of the analysis that are presented in the Executive Summary (and nowhere else) seem to indicate that the benefits of increasing fuel efficiency always exceed the costs for any alternative EPA and NHTSA evaluated and the “preferred option” does not maximize net benefits.

In the discussion of the methodology of calculating costs and benefits, changes in fuel tax revenues appear to be included as social benefits/costs. It is not clear why these revenues are not treated as a transfer. Without access to the RIA, it is impossible to know what additional issues might raise questions about the results of the analysis.

With respect to impacts on agriculture specifically, the main issues would seem to revolve around the discussion of the use of higher ethanol blends to increase octane content of fuels, which can be used with certain advanced engines to improve fuel economy and reduce the carbon footprint of vehicles. For what it is worth, there are agricultural stakeholders on both sides of this issue. However, corn growers and renewable fuel advocates commented extensively in favor of having this rule advance this combined fuel/engine technology. The Agencies conclude that any such requirement is beyond the scope of the rule as proposed and elect not to pursue any regulatory action as part of this rule. However, the preamble seems to suggest that the Agencies accept that there may be some promise to pursuing such a technological approach. It would be helpful if the Agencies (particularly EPA) could commit to investigating such an option and what it would require in terms of regulation over some reasonable timeframe. The current preamble does not appear to say anything other than we may look at this sometime in the future if we are ever forced to revise these standards again.

Page 12. The final standards should be compared to the existing standard, not to a hypothetical freeze of standards at MY2020 levels.

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, January 29, 2020 7:06 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: E.O. 12866 Review - Initial interagency comments on SAFE preamble

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Here are initial interagency comments we received on the current version of the Preamble. We are sending the same to our DOT contacts as well.

- 1) It is interagency reviewers' understanding that the rule does not incorporate the ZEV program into the baseline.
 - a. Can the agencies please confirm this understanding? It seems that the rule assumes California will not enforce the ZEV mandate and that any increase in EVs and purchase stemming from the ZEV program (and the benefits) are attributed to this CAFÉ rule?
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 - c. How does the treatment of ZEV program in the analysis in this final rule differ from the 2012 final rule analysis of the augural standards?
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- 3) Will the modeling discussion beginning on page 489 change or is that the most updated thinking on how NHTSA will use the models for the analysis?

- 4) Did the agencies update the air quality/PM modeling based on information provided by interagency reviewers during the NPRM phase?
- 5) Similarly, did the agencies update social cost of carbon and methane numbers based on information that commenters provided during the NPRM phase?
- 6) Refueling effects: It appears that the entire amount of increased fuel usage is accounted for in the estimate of increased refueling costs. If so, this would imply that, in addition to those who refuel only when their fuel level is low, individuals who “fill up” on a regular basis regardless of the level of fuel in the tank (for example as a matter of convenience while out running errands on the weekend so as to have a full tank to start the week) are included in this calculation. Interagency reviewers seem to recall discussing this issue at the NPRM stage and expected this class of drivers to be excluded from the refueling calculations in the final rule to the appropriate extent. Additionally, commenters request clarity on why the agencies did not include children’s time in the central case and only included them in the sensitivity case.
- 7) Commenters request clarity on how EPA is addressing response to comment for the sections that EPA is contributing to the rule.

Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget
202-395-9593

Message

Sent: 2/25/2020 12:59:04 PM
To: Olechiw, Michael [olechiw.michael@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Sherwood, Todd [sherwood.todd@epa.gov]; Helfand, Gloria [helfand.gloria@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]
Subject: FW: E.O. 12866 Review - Initial interagency comments on SAFE package
Attachments: ATP Scan In Progress

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Tuesday, February 25, 2020 7:54 AM
To: Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: Fwd: E.O. 12866 Review - Initial interagency comments on SAFE package

Begin forwarded message:

From: "Oreska, Matthew P. EOP/OMB" <[REDACTED]> **Ex. 6 Personal Privacy (PP)**
Date: February 24, 2020 at 6:08:56 PM EST
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Mullins, Timothy (OST)" <Timothy.Mullins@dot.gov>
Cc: "Achanta, Chandana L. EOP/OMB" <[REDACTED]> **Ex. 6 Personal Privacy (PP)**
Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

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Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget

Ex. 6 Personal Privacy (PP)

(b)(6)

Message

From: Moran, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CDC537A0F9D5433DAE083BCA681AF983-MORAN, ROBIN]
Sent: 3/25/2020 12:21:30 PM
To: Helfand, Gloria [helfand.gloria@epa.gov]
Subject: FW: Updated Preamble: Email 4 of 4 from Charmley
Attachments: SAFE Preamble to EPA 200324 Deliberative, EPA Staff Edits.docx

From: Charmley, William <charmley.william@epa.gov>
Sent: Wednesday, March 25, 2020 7:59 AM
To: Moran, Robin <moran.robin@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Sherwood, Todd <sherwood.todd@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: FW: Updated Preamble: Email 4 of 4 from Charmley

Dear all –

This is the fourth of 4 emails I will send this morning regarding the SAFE rule. NHTSA provided a revised preamble to EPA (so note, none of these are coming through OIRA and thus are not required to be docketed).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I am open to other approaches or modifications, and we can all catch up at our 11:05 call this morning.

Thanks
Bill

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Tuesday, March 24, 2020 8:57 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: FW: Updated Preamble

From: Rutledge, Ross (NHTSA) <ross.rutledge1@dot.gov>
Sent: Tuesday, March 24, 2020 8:37 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Jim Tamm <james.tamm@dot.gov>
Subject: Updated Preamble

Good evening –

Please see the attached Preamble that is the current master document. Additional edits are forthcoming including the following:

Ex. 5 Deliberative Process (DP)

Due to file size, a tracked changes version will be sent separately that shows changes from the March 11, 2020 Preamble that was submitted for interagency review.

Thanks,
Ross

Message

From: Moran, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CDC537A0F9D5433DAE083BCA681AF983-MORAN, ROBIN]
Sent: 2/25/2020 12:57:42 PM
To: Lieske, Christopher [lieske.christopher@epa.gov]
Subject: FOR DOCKET: FW: E.O. 12866 Review - Initial interagency comments on SAFE package
Attachments: ATP Scan In Progress

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Sent: Tuesday, February 25, 2020 7:54 AM
To: Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Moran, Robin <moran.rob@epa.gov>
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To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Mullins, Timothy (OST)" <Timothy.Mullins@dot.gov>
Cc: "Achanta, Chandana L. EOP/OMB" **Ex. 6 Personal Privacy (PP)**
Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE package

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6. What alternative maximizes net benefits separately for cars and trucks? It seems 2% stringency for cars and half a percent increase for trucks maximizes net benefits. Is that the agency understanding as well?
7. Why are net benefits different for CAFÉ versus CO2?
8. Why do congestion costs go down in truck table and congestion costs always go up for cars?
9. Commenters request clarity on why the agency did not include implicit opportunity costs in the primary analysis? Is there more coming on this sensitivity? Including more text on approaches etc?

In addition, please find attached a few additional interagency comments on the preamble on pp. 1-33.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, February 12, 2020 6:37 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

OIRA is sending the following, additional interagency comments on this rule. These are the same comments sent earlier to DOT.

Thank you,

Matthew

- 1) Commenters recommend that DOT update the energy security benefits using the “combined” estimates in the latest Brown (2018) study. Please also update discussion to reflect the fact that US is a net exporter. U.S. is currently a net exporter of crude and petroleum products. See EIA weekly data.

https://www.eia.gov/dnav/pet/PET_MOVE_WKLY_DC_NUS-Z00_MBBLPD_W.htm

- 2) SCC: It looks like DOT is providing 3% as the central case, 7% as the “high sensitivity” case and 2.5% as the “low sensitivity” case. Commenters request DOT to be consistent with EPA on the application of the interim values and present 3% and 7% as primary estimates, and lower discount rates and global estimates as sensitivity in an appendix. Commenters already sent language during the NPRM stage. DOT would need to cut and paste the language and do a simple spreadsheet multiplication to do this correctly.

From: Oreska, Matthew P. EOP/OMB

Sent: Tuesday, February 4, 2020 6:30 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

Please find attached the additional, technical comments on the preamble.

Thank you,

Matthew

From: Oreska, Matthew P. EOP/OMB

Sent: Friday, January 31, 2020 12:53 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Mullins, Timothy (OST)' <Timothy.Mullins@dot.gov>

Cc: Achanta, Chandana L. EOP/OMB <Ex. 6 Personal Privacy (PP)>

Subject: RE: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good afternoon,

We are sending a second batch of comments received from interagency reviewers. Please find two sets attached and another set below.

Thank you,

Matthew

It is not possible to do a meaningful review of this action at this time, because the document does not include the analysis of costs or the analysis of benefits.

It is not made clear until 100 pages into the document that the “preferred alternative” is, in fact the rule that is being finalized. We could not find anywhere in the preamble where EPA explained why the “preferred alternative” was preferred. The conclusions of the analysis that are presented in the Executive Summary (and nowhere else) seem to indicate that the benefits of increasing fuel efficiency always exceed the costs for any alternative EPA and NHTSA evaluated and the “preferred option” does not maximize net benefits.

In the discussion of the methodology of calculating costs and benefits, changes in fuel tax revenues appear to be included as social benefits/costs. It is not clear why these revenues are not treated as a transfer. Without access to the RIA, it is impossible to know what additional issues might raise questions about the results of the analysis.

With respect to impacts on agriculture specifically, the main issues would seem to revolve around the discussion of the use of higher ethanol blends to increase octane content of fuels, which can be used with certain advanced engines to improve fuel economy and reduce the carbon footprint of vehicles. For what it is worth, there are agricultural stakeholders on both sides of this issue. However, corn growers and renewable fuel advocates commented extensively in favor of having this rule advance this combined fuel/engine technology. The Agencies conclude that any such requirement is beyond the scope of the rule as proposed and elect not to pursue any regulatory action as part of this rule. However, the preamble seems to suggest that the Agencies accept that there may be some promise to pursuing such a technological approach. It would be helpful if the Agencies (particularly EPA) could commit to investigating such an option and what it would require in terms of regulation over some reasonable timeframe. The current preamble does not appear to say anything other than we may look at this sometime in the future if we are ever forced to revise these standards again.

Page 12. The final standards should be compared to the existing standard, not to a hypothetical freeze of standards at MY2020 levels.

From: Oreska, Matthew P. EOP/OMB

Sent: Wednesday, January 29, 2020 7:06 PM

To: 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>; 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>

Cc: Achanta, Chandana L. EOP/OMB [REDACTED] Ex. 6 Personal Privacy (PP)

Subject: E.O. 12866 Review - Initial interagency comments on SAFE preamble

Good evening,

Here are initial interagency comments we received on the current version of the Preamble. We are sending the same to our DOT contacts as well.

- 1) It is interagency reviewers' understanding that the rule does not incorporate the ZEV program into the baseline.
 - a. Can the agencies please confirm this understanding? It seems that the rule assumes California will not enforce the ZEV mandate and that any increase in EVs and purchase stemming from the ZEV program (and the benefits) are attributed to this CAFÉ rule?
 - b. What does it mean when the Preamble states that there is a ZEV program enforcement "set aside" in calculating fuel prices? Is there a separate analytical run or sensitivity case with the assumption that California will enforce the existing ZEV program?
 - c. How does the treatment of ZEV program in the analysis in this final rule differ from the 2012 final rule analysis of the augural standards?
- 2) What are the incremental annual costs and benefits of extending the upstream emissions flexibility for EVs? With the new/less stringent standards, how will OEMs respond to not having this potentially distortionary flexibility just for EVs? Which particular OEMs would still need this flexibility to meet the new/less stringent standards? How does the rule account for upstream emissions of ICEs for compliance purposes?
- 3) Will the modeling discussion beginning on page 489 change or is that the most updated thinking on how NHTSA will use the models for the analysis?
- 4) Did the agencies update the air quality/PM modeling based on information provided by interagency reviewers during the NPRM phase?
- 5) Similarly, did the agencies update social cost of carbon and methane numbers based on information that commenters provided during the NPRM phase?
- 6) Refueling effects: It appears that the entire amount of increased fuel usage is accounted for in the estimate of increased refueling costs. If so, this would imply that, in addition to those who refuel only when their fuel level is low, individuals who "fill up" on a regular basis regardless of the level of fuel in the tank (for example as a matter of convenience while out running errands on the weekend so as to have a full tank to start the week) are included in this calculation. Interagency reviewers seem to recall discussing this issue at the NPRM stage and expected this class of drivers to be excluded from the refueling calculations in the final rule to the appropriate

extent. Additionally, commenters request clarity on why the agencies did not include children's time in the central case and only included them in the sensitivity case.

- 7) Commenters request clarity on how EPA is addressing response to comment for the sections that EPA is contributing to the rule.

Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget

Ex. 6 Personal Privacy (PP)

Appointment

From: Camire, Adrienne (FHWA) [adrienne.camire@dot.gov]
Sent: 3/25/2020 10:58:02 PM
To: Raymond, Kelley [Raymond.Kelley@epa.gov]

Subject: New Time Proposed: EPA/DOT/NEPA follow up
Location: Call Kelley at 202-924-3385

Start: 3/26/2020 2:00:00 PM
End: 3/26/2020 2:30:00 PM
Show Time As: Busy

Recurrence: (none)

Hi Kelley,

I can speak at 12:30pm or between 4:30pm and 6pm. Please let me know what works for you.

Thank you,
Adrienne

Appointment

From: Camire, Adrienne (FHWA) [adrienne.camire@dot.gov]
Sent: 3/26/2020 10:57:36 AM
To: Raymond, Kelley [Raymond.Kelley@epa.gov]

Subject: Accepted: EPA/DOT/NEPA follow up
Location: Call Kelley at 202-924-3385

Start: 3/26/2020 4:30:00 PM
End: 3/26/2020 5:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Raymond, Kelley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DF7C142D877146DA8773544F8AB8ECF1-RAYMOND, KE]
Sent: 3/24/2020 1:14:20 PM
To: Raymond, Kelley [Raymond.Kelley@epa.gov]; Camire, Adrienne (FHWA) [adrienne.camire@dot.gov]
Subject: EPA/DOT/NEPA follow up
Location: Call Kelley at 202-924-3385

Start: 3/26/2020 4:30:00 PM
End: 3/26/2020 5:00:00 PM
Show Time As: Busy

Adrienne-

Feel free to suggest a different time if this doesn't work for you. I just wanted to be sure we get something on the books so we touch base on this. Thanks!

Appointment

From: Landeene, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f5e855f555574f848932c30e9490860f-Landeene, S]
Sent: 3/2/2020 6:14:38 PM
To: Raymond, Kelley [Raymond.Kelley@epa.gov]; Camire, Adrienne (FHWA) [adrienne.camire@dot.gov]; Kloster, Andrew [Kloster.Andrew@epa.gov]
CC: Landeene, Sarah [Landeene.Sarah@epa.gov]
BCC: DCRoomARN5415PolyPCTB/DC-ARN-OAR [DCRoomARN5415PolyPCTB@epa.gov]
Subject: Call with Adrienne Camire - FHWA
Location: **Ex. 6 Personal Privacy (PP)**
Start: 3/3/2020 7:00:00 PM
End: 3/3/2020 7:45:00 PM
Show Time As: Busy

Ex. 6 Personal Privacy (PP)

Message

From: Pickrell, Don H (Volpe) [Don.Pickrell@dot.gov]
Sent: 3/30/2020 4:26:07 PM
To: Raymond, Kelley [Raymond.Kelley@epa.gov]
CC: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Subject: RE: Premature Mortality Impacts of CO2 and CAFE Standards

Ex. 5 Deliberative Process (DP)

Don Pickrell
USDOT-Volpe Center

From: Raymond, Kelley <Raymond.Kelley@epa.gov>
Sent: Monday, March 30, 2020 11:42 AM
To: Pickrell, Don H (Volpe) <Don.Pickrell@dot.gov>
Cc: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: RE: Premature Mortality Impacts of CO2 and CAFE Standards

Thank you for this! The context on the timeline projections going out as far as they do was incredibly helpful and I appreciate you walking me through it-

Kelley Raymond
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Pickrell, Don H (Volpe) <Don.Pickrell@dot.gov>
Sent: Monday, March 30, 2020 11:25 AM
To: Raymond, Kelley <Raymond.Kelley@epa.gov>
Cc: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: Premature Mortality Impacts of CO2 and CAFE Standards

Kelley –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if you have questions. I'll ask Jonathan whether we have talking points to help with the interpretation of these.

Regards,
Don Pickrell

Dr. Don H Pickrell

Chief Economist | Economic Analysis Division
Volpe National Transportation Systems Center | U.S. Department of Transportation
55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.gov
Office: 617-494-2858 | Cell: 617-272-5088 | Email: don.pickrell@dot.gov
Advancing transportation innovation for the public good

Appointment

From: Dickson, Pat (NHTSA) [Pat.Dickson@dot.gov]
Sent: 1/30/2020 8:19:17 PM
To: Dickson, Pat (NHTSA) [Pat.Dickson@dot.gov]; Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Rutledge, Ross (NHTSA) [ross.rutledge1@dot.gov]; Moor, Karl [Moor.Karl@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Landeene, Sarah [Landeene.Sarah@epa.gov]
Subject: EPA's Meeting with NHTSA
Location: Jonathan's Office
Start: 2/5/2020 3:00:00 PM
End: 2/5/2020 5:00:00 PM
Show Time As: Busy
Recurrence: (none)

Appointment

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
Sent: 2/26/2020 4:48:08 AM
To: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Landeene, Sarah [Landeene.Sarah@epa.gov]

Subject: Review Discussion
Location: Your Shop

Start: 2/26/2020 10:30:00 PM
End: 2/27/2020
Show Time As: Busy

Recurrence: (none)

Message

From: Rushton, Sean (NHTSA) [sean.rushton@dot.gov]
Sent: 3/27/2020 7:42:46 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Press Material

It should be the same

From: Schiermeyer, Corry [mailto:schiermeyer.corry@epa.gov]
Sent: Friday, March 27, 2020 3:42 PM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Cc: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Press Material

Ok...so how does what you just sent differ from the one you sent last night?

From: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Sent: Friday, March 27, 2020 3:41 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Press Material

Hi Corry -- I haven't received edits from EPA.

From: Schiermeyer, Corry [mailto:schiermeyer.corry@epa.gov]
Sent: Friday, March 27, 2020 3:27 PM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Cc: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Press Material

Hello Sean...does this include OAR edits? I'm very concerned about version control. I sent a version to the Administrator before you all emailed last night.

So we are trying to figure out version control.

From: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Sent: Friday, March 27, 2020 3:22 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Press Material

Hey Corry – circling back on your edits to op-ed. Hoping to get to WH for clearance today.
 Thanks!

From: Rushton, Sean (NHTSA)
Sent: Wednesday, March 25, 2020 3:02 PM
To: gunasekara.Mandy@epa.gov; Schiermeyer, Corry (schiermeyer.corry@epa.gov) <schiermeyer.corry@epa.gov>

Cc: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>

Subject: FW: Press Material

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Hi Mandy & Corry—

Please find the updated SAFE Rule draft press release and joint op-ed, for your review.

Thanks.

Sean Rushton
Director of Communications
NHTSA, U.S. Dept of Transportation
202-860-4083

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Sent: Wednesday, March 25, 2020 12:18:22 PM

To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>

Subject: Press Material

Please include me on draft press materials back-and-forth.

Great brief!

Sent from my iPhone

Message

From: Rushton, Sean (NHTSA) [sean.rushton@dot.gov]
Sent: 3/27/2020 7:41:07 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]
Subject: RE: Press Material

The same

From: Schiermeyer, Corry [mailto:schiermeyer.corry@epa.gov]
Sent: Friday, March 27, 2020 3:34 PM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Cc: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>
Subject: RE: Press Material

How is this different than what you sent last night?

From: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Sent: Friday, March 27, 2020 3:22 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Press Material

Hey Corry – circling back on your edits to op-ed. Hoping to get to WH for clearance today.
 Thanks!

From: Rushton, Sean (NHTSA)
Sent: Wednesday, March 25, 2020 3:02 PM
To: gunasekara.Mandy@epa.gov; Schiermeyer, Corry (schiermeyer.corry@epa.gov) <schiermeyer.corry@epa.gov>
Cc: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: FW: Press Material

DELIBERATIVE - PRIVILEGED & CONFIDENTIAL

Hi Mandy & Corry—
 Please find the updated SAFE Rule draft press release and joint op-ed, for your review.
 Thanks.

 Sean Rushton
 Director of Communications
 NHTSA, U.S. Dept of Transportation
 202-860-4083

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Wednesday, March 25, 2020 12:18:22 PM
To: Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>
Subject: Press Material

Please include me on draft press materials back-and-forth.

Great brief!

Sent from my iPhone

Message

From: Post, Andy (OST) [Andy.Post@dot.gov]
Sent: 3/27/2020 5:13:59 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Rushton, Sean (NHTSA) [sean.rushton@dot.gov]
CC: Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Re: E&E News inquiry

Yeah we just move ahead at this point

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Friday, March 27, 2020 1:08:07 PM
To: Post, Andy (OST) <Andy.Post@dot.gov>; Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Cc: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: FW: E&E News inquiry

FYSA...I don't think we will say anything.

From: Maxine Joselow <mjoselow@eenews.net>
Sent: Friday, March 27, 2020 1:04 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: E&E News inquiry

Hi Enesta,

Sen. Tom Carper (D-Del.) obtained a leaked draft of the final rule under interagency review, which indicates that fuel economy standards would be increased by 1.5% annually through model year 2026. They are basing their criticism off of that leaked draft, which was first reported by the Washington Post: <https://www.washingtonpost.com/climate-environment/2020/01/23/trump-vowed-his-mileage-standards-would-make-cars-cheaper-safer-new-documents-raise-doubts-about-that/>

Thanks,
 Maxine

From: "Jones, Enesta" <Jones.Enesta@epa.gov>
Date: Friday, March 27, 2020 at 1:01 PM
To: Maxine Joselow <mjoselow@eenews.net>
Cc: Press <Press@epa.gov>
Subject: Re: E&E News inquiry

Hi Maxine,

Please explain how they can criticize something that isn't even final or public.

For the record: The rule is still under interagency review.

On Mar 27, 2020, at 11:57 AM, Maxine Joselow <mjoselow@eenews.net> wrote:

Hi Enesta,

Thank you for the quick response. However, if you look at the nature of my questions, you will see they are more appropriate for EPA to address than OMB, since they deal with public health and the environment, which is in EPA's mission statement. Additionally, I have not heard back from OMB about my request for comment yesterday.

Thank you,
Maxine

From: "Jones, Enesta" <Jones.Enesta@epa.gov>

Date: Friday, March 27, 2020 at 12:56 PM

To: Maxine Joselow <mjoselow@eenews.net>

Cc: Press <Press@epa.gov>

Subject: Re: E&E News inquiry

Hi Maxine,

Please reach out to OMB as it is still under interagency review.

On Mar 27, 2020, at 11:55 AM, Maxine Joselow <mjoselow@eenews.net> wrote:

Hello,

I'm the transportation reporter for E&E News. I'm writing an article for Monday about how EPA and NHTSA are expected to finalize the second part of the SAFE Vehicles rule early next week, according to sources familiar with the matter. The article will include criticism from environmental and public health experts, who argue that the rollback will exacerbate the public health and economic impacts of the COVID-19 pandemic by increasing air pollution and gas prices at the pump. Does EPA's press office have a comment or response to this criticism? Please let me know. My deadline is COB on Sunday, and the story will be published on Monday morning.

Thanks,
Maxine

--

Maxine Joselow
E&E News reporter
603-851-0347

E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: Rushton, Sean (NHTSA) [sean.rushton@dot.gov]
Sent: 3/24/2020 1:54:09 PM
To: Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]
Subject: RE: Draft Comms Material
Attachments: SAFE Vehicles Rule press release.docx

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Agreed. In the meantime, for your clearance, attached is the draft press release.
Secretary Chao's quote may be tweaked, and there is space for Administrator Wheeler's quote.
Hope to have the Backgrounder and Op-ed to you today.
Thanks!

From: Tardif, Abigale (Abbie) [mailto:Tardif.Abbie@epa.gov]
Sent: Tuesday, March 24, 2020 9:33 AM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Subject: RE: Draft Comms Material

Okay, thank you for letting me know. Hopefully we hear back from them soon, I would hate to get a curve ball and be scrambling at the last minute.

Abigale Tardif
Policy and Communications Advisor
Office of Air and Radiation
U.S. Environmental Protection Agency
Desk: 202-564-5643 | Cell: 202-738-7297

From: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Sent: Tuesday, March 24, 2020 8:15 AM
To: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>
Subject: Re: Draft Comms Material

Hi Abbie- Andy Post emailed them on Friday. No response yet. Thanks

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From: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>
Sent: Monday, March 23, 2020 3:46 PM
To: Rushton, Sean (NHTSA)
Subject: RE: Draft Comms Material

Sean-

Sounds good! Is there a time set up or plan for looping in WH Comms?

Best,
Abbie

Abigale Tardif
Policy and Communications Advisor
Office of Air and Radiation
U.S. Environmental Protection Agency
Desk: 202-564-5643 | Cell: 202-738-7297

From: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Sent: Monday, March 23, 2020 2:49 PM
To: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>
Subject: RE: Draft Comms Material

Hi Abbie,
The docs are in clearance with our senior leadership. I hope to have them very soon.
Thanks.

Sean Rushton
Director of Communications
NHTSA, U.S. Dept of Transportation
202-860-4083

From: Tardif, Abigale (Abbie) [<mailto:Tardif.Abbie@epa.gov>]
Sent: Monday, March 23, 2020 10:30 AM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Subject: Draft Comms Material

Sean-

I hope you had a great weekend. Just wanted to check in and see when we could expect draft comms material?

Best,

Abbie

Abigale Tardif

Policy and Communications Advisor

Office of Air and Radiation

U.S. Environmental Protection Agency

Desk: 202-564-5643 | Cell: 202-738-7297

Message

From: Rushton, Sean (NHTSA) [sean.rushton@dot.gov]
Sent: 3/19/2020 5:10:41 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Post, Andy (OST) [Andy.Post@dot.gov]; Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]
CC: Barbknecht, McKenzie (OST) [mckenzie.barbknecht@dot.gov]; Block, Molly [block.molly@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Re: EPA/NHTSA SAFE Communications Plan

We're working on docs this week. Will share soon.

Get [Outlook for iOS](#)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, March 19, 2020 12:10 PM
To: Post, Andy (OST); Rushton, Sean (NHTSA); Tardif, Abigale (Abbie)
Cc: Barbknecht, McKenzie (OST); block.molly; Woods, Andrea
Subject: RE: EPA/NHTSA SAFE Communications Plan

I'm adding Molly and Andrea who will be heading this up for the Administrator.

Andy...do you and Sean have any talking points yet for your portion?

Thank you

From: Post, Andy (OST) <Andy.Post@dot.gov>
Sent: Thursday, March 19, 2020 12:08 PM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>; Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Barbknecht, McKenzie (OST) <mckenzie.barbknecht@dot.gov>
Subject: RE: EPA/NHTSA SAFE Communications Plan

Hello Abbie!

Andy Post here with DOT's Public Affairs office. I'm replying on behalf of our office and also on behalf of Sean who is the lead in NHTSA and will also be the lead on SAFE Rollout from NHTSA's side.

We have discussed some ideas internally and with the current situation and also the fact that we expect signing on March 30, we'd propose this concept for EPA/Admin Wheeler to consider:

- Tuesday, March 31 late morning (10 or 1030AM) we would conduct a conference call with Secretary Chao, Admin. Wheeler, Assist Admin Idris, NHTSA Acting Admin. James Owens and supporting staff. We could run the call from DOT and have EPA side dial in. The purpose would be to reach as many national and local print reporters as possible as this will be the primary target (broadcast will be hard to break through that week but will still be invited). We would open this up far and wide to any who want to participate with the goal of having our side included in as much of the print/online coverage as possible. We would take as many questions as possible, similar to when the NPRM was launched in 2018.
- Preceding this, on Monday March 30 NHTSA's James Owens and Admin. Wheeler would e-sign the final rule (or have worked out the signature process) for late in the day, and several embargoed packets of information would be sent to national press as identified.
- The afternoon of March 31 could be for NHTSA Admin. Owens and any EPA leadership to do individual broadcast or telephone interviews, we have a studio here and would likely invite in regional TV and also do satellite hits as we can book them. EPA would be welcome here or could do their own.

Could you let us know your team's general comfort level with this plan before we inform WH Comms? We would also leave an open invitation for POTUS/VPOTUS/OMB VOUGHT to join the call as they wish, but also leave the option for an actual event in late April or May. We may also want to record a video next week from the principals but we haven't scripted out that idea yet.

Thank you!

Andy

Andy Post

Director of Public Affairs

U.S. Department of Transportation

(M) 202-897-8905

Andy.Post@DOT.gov

www.Transportation.gov

From: Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>

Sent: Wednesday, March 18, 2020 3:21 PM

To: Rushton, Sean (NHTSA)

Cc: Moor, Karl; Morrison, Jonathan (NHTSA)

Subject: EPA/NHTSA SAFE Communications Plan

Hi Sean-

I hope this finds you well. I spoke with Jonathan Morrison earlier today about the finalization of the SAFE Rule. I am working with EPA/OTAQ staff on communications material. I was hoping to speak with you sometime this week to hear what NHTSA/DOT have been working on. I will be taking point for the OAR immediate office to get communications materials to the EPA Office of Public Affairs.

Do you have time tomorrow or Friday to chat?

Best,

Abbie

Abigale Tardif

Policy and Communications Advisor

Office of Air and Radiation

U.S. Environmental Protection Agency

Desk: 202-564-5643 | Cell: 202-738-7297

Message

From: Rushton, Sean (NHTSA) [sean.rushton@dot.gov]
Sent: 3/30/2020 6:34:56 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]
Subject: RE: backgrounder
Attachments: dsh SAFE Background - sr jt DRFAT EDITS 03.30.20-sgr.docx

This is reviewed and cleared.

From: Schiermeyer, Corry [mailto:schiermeyer.corry@epa.gov]
Sent: Monday, March 30, 2020 1:41 PM
To: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>; Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>
Subject: backgrounder

Any ETA of the backgrounder we sent over?

Thank you!

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 3/30/2020 11:59:28 PM
To: Rushton, Sean (NHTSA) [sean.rushton@dot.gov]; Post, Andy (OST) [Andy.Post@dot.gov]; Tardif, Abigale (Abbie) [Tardif.Abbie@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Updated rollout plan.

Adding Andrea Woods...

From: Rushton, Sean (NHTSA) <sean.rushton@dot.gov>
Sent: Monday, March 30, 2020 7:59 PM
To: Post, Andy (OST) <Andy.Post@dot.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abbie@epa.gov>
Subject: Updated rollout plan.

DELIBERATIVE – PRIVILEGED & CONFIDENTIAL

For your review. Thanks.

-DRAFT-

Monday Night

- Advisory on press call sent to national media (big list) – NHTSA/EPA Comms
- Work current on stories on background, provide numbers
- Place op-ed
- Provide embargoed materials to select national reporters (Reuters, AP, Bloomberg, Wash Post, WSJ, NYT) – NHTSA/EPA Comms
- Pre-brief calls to select industry stakeholders (Alliance, NADA, FCA, GM, Toyota) –James Owens, Jonathan Morrison

Tuesday - Rollout

- 9:00-10:15 AM
 - Prep time
 - Resend advisory to media – NHTSA/EPA Comms
 - Briefing calls with key Members of Congress, stakeholders – OGA, NHTSA
- 10:00 AM
 - Embargo lifts, curtain raiser articles appear (Reuters, AP, Bloomberg)
 - Communications materials out to press, stakeholders – OPL, OGA, OSTPA, NHTSA/EPA Comms
 - WH Tweet (?)
- 10:30-11:30 AM
 - Press conference call from DOT's Lincoln Conference Room featuring opening statements by James Owens, Anne Idsal, then Q&A – OSTPA/NHTSA hosts
 - Launch revised NHTSA SAFE webpage with rule, supporting documents – NHTSA Comms
 - Initiate social media (video Explainer) – NHTSA Comms
 - Briefing materials to all Hill offices – OGA, Mira
 - Briefing materials to States – OGA, Sean P.
- Noon-5:00 PM
 - Follow up briefing calls w/James & Anne:

- OEMs, key NHTSA stakeholders – Sean R (12:15-12:55 pm)
- General industry, Intergov (Chamber of Commerce, et al) – OPL/Sean R (1:00-1:45 pm)
- Congress 1 – OGA/Mira (2:00-2:45 pm)
- Free-market groups – Loren Smith (3:00-3:45 pm)
- Congress 2 – OGA/Mira (4:00-4:45 pm)
- Scheduled media interviews as needed – NHTSA/EPA comms
- Calls with select editorial boards and columnists – NHTSA/EPA Comms
- Rapid response team to respond to critical coverage – NHTSA/EPA Comms
- WSJ publishes joint op-ed online, late afternoon – NHTSA Comms/OSTPA

Wednesday

- DOT/EPA release 'What They are Saying' media roundup – NHTSA/EPA Comms
- James/Anne present to Grover Norquist's Wednesday meeting – Loren Smith
- Push back on critical stories as needed – NHTSA/EPA Comms
- Media as needed – NHTSA/EPA Comms

Sean Rushton
Director of Communications
NHTSA, U.S. Dept of Transportation
202-860-4083

Appointment

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 1/16/2020 6:46:46 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Christina Aizcorbe (OST) [Christina.Aizcorbe@dot.gov]
Subject: EPA-DOT call
Start: 1/16/2020 8:00:00 PM
End: 1/16/2020 8:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 1/16/2020 6:46:40 PM
To: Christina Aizcorbe (OST) [Christina.Aizcorbe@dot.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]

Subject: EPA-DOT

Start: 1/16/2020 8:00:00 PM

End: 1/16/2020 8:30:00 PM

Show Time As: Tentative

Recurrence: (none)

Message

Sent: 3/19/2020 9:06:55 PM
Subject: FW: Additional interagency comments
Attachments: ATP Scan In Progress

FYI

From: Oreska, Matthew P. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Sent: Thursday, March 19, 2020 5:02 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>
Cc: Achanta, Chandana L. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Subject: RE: Additional interagency comments

Good afternoon,

Please find additional interagency comments on the preamble in the attachments. Several overarching comments are also provided below.

Thank you,

Matthew

- The legal justification is lacking in actual justification for the Final Rule. It does not do enough to explain why 1.5 is the right stringency level as a matter of fact or why it is proper as a matter of law. The legal justification reads very cursory [see also specific comments in the attached document].
- Also, throughout the legal justification, there are discussions of assumptions that were made in the 2017 rule that have now been adjudged incorrect. But there is no clear statement (that I have found, maybe it is in another section) of what those assumptions were and why they were incorrect. From what I have seen, the analysis generally goes like this: "The 2017 rule made assumptions that have now proven incorrect. Because those assumptions were wrong, we now are changing the rule." There needs to be more connections made between the assumptions, why they have been proven wrong, and why the changes to the assumptions merit changing the rule.
- In responding to commenters, EPA and NHTSA focus on rebutting the comments at a superficial level but do not tie the response to the commenters back to the overall justification for the rule. The agencies do not really grapple with the comments and what impact—positive or negative—they have on the Final Rule.
- Grammar point: there are many places throughout the Preamble that do not use and introduce quotations properly. Long quotes are not being block quoted when necessary. Quotations that begin with capital letters are being used in the middle of sentences without starting them with lower case letters in brackets.
- Organization point: since the EPA action relies on the NHTSA action, shouldn't the NHTSA section come first? The sections were ordered this way in the Part I of the SAFE Vehicles Rule.

From: Oreska, Matthew P. EOP/OMB
Sent: Wednesday, March 18, 2020 10:09 AM
To: 'idsal.anne@epa.gov' <idsal.anne@epa.gov>; 'Fotouhi.David@epa.gov' <Fotouhi.David@epa.gov>; 'bolen.brittany@epa.gov' <bolen.brittany@epa.gov>; 'Leopold.matt@epa.gov' <Leopold.matt@epa.gov>; 'Dunham.Sarah@epa.gov' <Dunham.Sarah@epa.gov>
Cc: Achanta, Chandana L. EOP/OMB <Chandana.L.Achanta@omb.eop.gov>; 'Mullins, Timothy (OST)'

<Timothy.Mullins@dot.gov>

Subject: FW: Additional interagency comments

Good morning,

Please see additional interagency comments on SAFE below.

Thank you,

Matthew

From: Achanta, Chandana L. EOP/OMB <[REDACTED] Ex. 6 Personal Privacy (PP)>

Sent: Tuesday, March 17, 2020 9:40 PM

To: Mullins, Timothy (OST) <Timothy.Mullins@dot.gov>

Cc: Oreska, Matthew P. EOP/OMB <[REDACTED] Ex. 6 Personal Privacy (PP)>

Subject: Additional interagency comments

Hi Tim

Here are additional interagency comments I received on the CAFÉ rule:

1. Could you please provide us with a table of the projected fleet sizes over time under the various alternatives? There is discussion of fleet sizes at several points in the RIA, but we have not found a table.
2. Have the agencies conducted any research to determine whether fuel economy standards leads to upsizing? Several commenters suggested that this might be the case and some research has shown that upsizing is likely. [Whitefoot, Kate S., and Steven J. Skerlos. "Design incentives to increase vehicle size created from the US footprint-based fuel economy standards." Energy Policy 41 (2012): 402-411.]
3. Does the CAFE model assume model-by-model compliance with the standards for each manufacturer when calculating costs or does it assume compliance only by vehicle type? Have the agencies been able to estimate the costs of standards with and without intra-manufacturer trading of credits across vehicle categories, inter-manufacturer trading of credits?

Message

Sent: 1/24/2020 9:02:56 AM
Subject: Revised draft of the EPA justification of the CO2 standards preamble section of the SAFE Final Rule
Attachments: EPA Justification FRM Preamble_draft to OAR and OGC leadership_12-10-19.docx

Dear all,

Ex. 5 Deliberative Process (DP)

Thanks
Bill Charmley

Message

Sent: 1/10/2020 4:56:38 PM
To: Nickerson, William [Nickerson.William@epa.gov]
CC: Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Julia Burch (Burch.Julia@epa.gov) [Burch.Julia@epa.gov]; Moran, Robin [Moran.Robin@epa.gov]
Subject: Direction from AA Idsal regarding SAFE rule and interactions with OIRA

Dear Bill,

Ben and I spoke this morning, and we both realized that we should share this note that we received, via Sarah Dunham, a week ago.

In this email, AA Idsal informed OMB, as well as NHTSA/DOT, that only a handful of people within US EPA are authorized to submit information on the SAFE rule to OMB. You will see that of course Brittany is on the list.

For us (OTAQ team), our plan is to make sure that Sarah is okay with the material that we send forward, but we

Begin forwarded message:

From: "Idsal, Anne" <idsal.anne@epa.gov>
Date: January 2, 2020 at 12:34:18 PM EST
To: Rosario Palmieri <rpalmieri@omb.eop.gov>
Cc: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Moor, Karl" <Moor.Karl@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, James Owens <James.Owens@dot.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: Updates/touching base

Good afternoon and happy new year,

I wanted to touch base as we get back into the swing of things going into the new year.

First, to follow-up after the NEC meeting that took place before the holidays, EPA has designated the following individuals as the conduits for SAFE interagency comments to OP and OIRA:

Anne Idsal
 Sarah Dunham
 Matt Leopold
 David Fotouhi
 Brittany Bolen

Any comments submitted by other EPA personnel to OP or OIRA are not authorized for docketing purposes.

Second, as per my conversation with James Owens before the holidays, EPA OAR looks forward to working with NHTSA and OIRA through the interagency review process to address any questions or issues related to SAFE that may arise after NHTSA completes its draft and it is submitted to OIRA.

Please let me know if I can provide any further clarification or assistance as we continue to move towards finalization on this important regulatory initiative.

Best,
Anne

Sent from my iPhone

Message

From: Samulski, Michael [samulski.michael@epa.gov]
Sent: 5/26/2020 12:53:30 PM
To: Charmley, William [charmley.william@epa.gov]
Subject: FW: Docketing materials from another agency during Interagency Review
Attachments: SAFE docketing explanation 042920.docx

Bill,

Here is the email from Mike Thrift on the docketing question that I mentioned in my last email to you.

Mike

Michael Samulski
U.S. Environmental Protection Agency
Office of Transportation and Air Quality
Director, Large Marine and Aviation Center
1 (734) 214-4532
samulski.michael@epa.gov

From: Manning, Bryan <manning.bryan@epa.gov>
Sent: Tuesday, May 26, 2020 8:23 AM
To: Samulski, Michael <samulski.michael@epa.gov>; Leggett, Cullen <Leggett.Cullen@epa.gov>; Yen, David <Yen.David@epa.gov>; Mueller, John <mueeller.john@epa.gov>; Maeroff, Bruce <Maeroff.Bruce@epa.gov>
Subject: FW: Docketing materials from another agency during Interagency Review

FYI, see below/attached from Mike Thrift on this docketing issue. Apparently, there will be more to come later this week. Thanks. Bryan

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, May 22, 2020 1:23 PM
To: Manning, Bryan <manning.bryan@epa.gov>
Subject: RE: Docketing materials from another agency during Interagency Review

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Manning, Bryan <manning.bryan@epa.gov>
Sent: Friday, May 22, 2020 10:10 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Subject: Docketing materials from another agency during Interagency Review

Hi Mike,

Ex. 5 Attorney Client (AC)

Have a good Memorial Day weekend.

Thanks,

Bryan

Bryan Manning
U.S. EPA Office of Transportation and Air Quality
Large Marine and Aviation Center
2000 Traverwood Drive
Ann Arbor, MI 48105
(ph) 734-214-4832 (fax) 734-214-4816
manning.bryan@epa.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/29/2020 6:08:50 PM
To: Charmley, William [charmley.william@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]
CC: Olechiw, Michael [olechiw.michael@epa.gov]; Lieske, Christopher [lieske.christopher@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]
Subject: RE: Question on docketing practice for the SAFE Part 2 Final Rule
Attachments: SAFE docketing explanation 042920.docx

Thanks, Bill. Attached is the summary I sent up to our front office. I appreciate the help your staff gave us, but I don't think either you or Sarah got a chance to review it so if you have revisions that you think should be reflected let me know this afternoon and I'll pass them on.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Charmley, William <charmley.william@epa.gov>
Sent: Wednesday, April 29, 2020 7:37 AM
To: Orlin, David <Orlin.David@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Question on docketing practice for the SAFE Part 2 Final Rule

Dear David,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Please let us know if there are any questions on this topic.

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>

Sent: Tuesday, April 28, 2020 5:09 PM

To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>

Subject: RE: Question on docketing

(Leaving off Sarah for now.)

Ex. 5 Attorney Client (AC)

Ex. 5 Deliberative Process (DP)

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, April 28, 2020 4:15 PM
To: Charmley, William <charmley.william@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Charmley, William <charmley.william@epa.gov>
Sent: Tuesday, April 28, 2020 4:01 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Sarah -

Ex. 5 Deliberative Process (DP)

Robin/Mike/Chris/David - please let us know if anyone has a different recollection. I know that Robin/Mike/Chris did not work on HD Phase 2, but they did work on the 2012 LD rule.

Thanks
Bill

-----Original Message-----

From: Dunham, Sarah <Dunham.Sarah@epa.gov>

Sent: Tuesday, April 28, 2020 3:54 PM

To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Question on docketing

Hi-

I was hoping you could help confirm something for me, or point out where I am assuming something incorrectly. I

Ex. 5 Deliberative Process (DP)

Thank you

Sarah

Message

From: Moran, Robin [moran.robin@epa.gov]
Sent: 4/29/2020 4:40:36 PM
To: Kataoka, Mark [Kataoka.Mark@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Charmley, William [charmley.william@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Lieske, Christopher [lieske.christopher@epa.gov]
CC: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

From: Kataoka, Mark <Kataoka.Mark@epa.gov>
Sent: Wednesday, April 29, 2020 12:08 PM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

Mark M. Kataoka
Attorney
EPA OGC ARLO (2344A)
202-564-5584

From: Orlin, David <Orlin.David@epa.gov>
Sent: April 29, 2020 12:01 PM
To: Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>; Lee, Michael <lee.michaelg@epa.gov>
Subject: RE: Question on docketing

Thanks everyone for all the help on this! I think it's in pretty good shape but I don't know if Bill has had a chance to look at it yet, or if anyone wants to go back in for a last look.

I have to jump on a call now, but like to wrap this up between 1 and 2 if possible. If you need time past 1 pm to review please let me know.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Charmley, William <charmley.william@epa.gov>
Sent: Wednesday, April 29, 2020 9:37 AM
To: Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: RE: Question on docketing

I see in the attached draft that we are mentioning the SAFE Part I rule – so I have added Karl Simon for his input/awareness.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, April 29, 2020 8:35 AM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

I need to send this up today so comments this morning would be appreciated.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Orlin, David
Sent: Tuesday, April 28, 2020 5:09 PM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Mark Kataoka (Kataoka.Mark@epa.gov) <Kataoka.Mark@epa.gov>; Seth Buchsbaum (buchsbaum.seth@epa.gov) <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

(Leaving off Sarah for now.)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, April 28, 2020 4:15 PM
To: Charmley, William <charmley.william@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Charmley, William <charmley.william@epa.gov>
Sent: Tuesday, April 28, 2020 4:01 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Sarah -

Ex. 5 Deliberative Process (DP)

Robin/Mike/Chris/David - please let us know if anyone has a different recollection. I know that Robin/Mike/Chris did not work on HD Phase 2, but they did work on the 2012 LD rule.

Thanks
Bill

-----Original Message-----

From: Dunham, Sarah <Dunham.Sarah@epa.gov>

Sent: Tuesday, April 28, 2020 3:54 PM

To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Question on docketing

Hi-

I was hoping you could help confirm something for me, or point out where I am assuming something incorrectly. I

Ex. 5 Deliberative Process (DP)

Thank you
Sarah

Message

From: Simon, Karl [Simon.Karl@epa.gov]
Sent: 4/29/2020 2:34:48 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Moran, Robin [moran.robin@epa.gov]
CC: Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Lieske, Christopher [lieske.christopher@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]
Subject: RE: Question on docketing

Thanks, I think that clarifies it well

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Wednesday, April 29, 2020 10:25 AM
To: Simon, Karl <Simon.Karl@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Subject: RE: Question on docketing

What about:

Ex. 5 Attorney Client (AC)

From: Simon, Karl <Simon.Karl@epa.gov>
Sent: Wednesday, April 29, 2020 10:21 AM
To: Moran, Robin <moran.robin@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: Re: Question on docketing

Ex. 5 Attorney Client (AC)

On Apr 29, 2020, at 10:01 AM, Moran, Robin <moran.robin@epa.gov> wrote:

Ex. 5 Attorney Client (AC)

From: Simon, Karl <Simon.Karl@epa.gov>
Sent: Wednesday, April 29, 2020 9:54 AM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael

<olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>

Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

From: Charmley, William <charmley.william@epa.gov>

Sent: Wednesday, April 29, 2020 9:37 AM

To: Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>

Subject: RE: Question on docketing

I see in the attached draft that we are mentioning the SAFE Part I rule – so I have added Karl Simon for his input/awareness.

From: Orlin, David <Orlin.David@epa.gov>

Sent: Wednesday, April 29, 2020 8:35 AM

To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>

Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

I need to send this up today so comments this morning would be appreciated.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Orlin, David

Sent: Tuesday, April 28, 2020 5:09 PM

To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Mark Kataoka (Kataoka.Mark@epa.gov) <Kataoka.Mark@epa.gov>; Seth Buchsbaum (buchsbaum.seth@epa.gov) <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

(Leaving off Sarah for now.)

Ex. 5 Attorney Client (AC)

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, April 28, 2020 4:15 PM
To: Charmley, William <charmley.william@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Charmley, William <charmley.william@epa.gov>
Sent: Tuesday, April 28, 2020 4:01 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: Question on docketing

Sarah -

Ex. 5 Deliberative Process (DP)

Robin/Mike/Chris/David - please let us know if anyone has a different recollection. I know that Robin/Mike/Chris did not work on HD Phase 2, but they did work on the 2012 LD rule.

Thanks
Bill

-----Original Message-----

From: Dunham, Sarah <Dunham.Sarah@epa.gov>

Sent: Tuesday, April 28, 2020 3:54 PM

To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Question on docketing

Hi-

I was hoping you could help confirm something for me, or point out where I am assuming something

Ex. 5 Deliberative Process (DP)

Thank you
Sarah

Message

From: Moran, Robin [moran.robin@epa.gov]
Sent: 4/29/2020 1:37:59 PM
To: Lieske, Christopher [lieske.christopher@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]
CC: Okoye, Winifred [Okoye.Winifred@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]
Subject: RE: Question on docketing

+ Karl so he can see the conversation thus far

From: Lieske, Christopher <lieske.christopher@epa.gov>
Sent: Wednesday, April 29, 2020 9:16 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Cc: Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Wednesday, April 29, 2020 9:07 AM
To: Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Cc: Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: RE: Question on docketing

Thanks for drafting this, David. I added some comments and edits.

Ex. 5 Attorney Client (AC)

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, April 29, 2020 8:35 AM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

I need to send this up today so comments this morning would be appreciated.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Orlin, David
Sent: Tuesday, April 28, 2020 5:09 PM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Mark Kataoka <Kataoka.Mark@epa.gov> <Kataoka.Mark@epa.gov>; Seth Buchsbaum <buchsbaum.seth@epa.gov> <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

(Leaving off Sarah for now.)

Ex. 5 Attorney Client (AC)

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, April 28, 2020 4:15 PM
To: Charmley, William <charmley.william@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David

<Orlin.David@epa.gov>

Subject: RE: Question on docketing

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Charmley, William <charmley.william@epa.gov>

Sent: Tuesday, April 28, 2020 4:01 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: Question on docketing

Sarah -

Ex. 5 Deliberative Process (DP)

Robin/Mike/Chris/David - please let us know if anyone has a different recollection. I know that Robin/Mike/Chris did not work on HD Phase 2, but they did work on the 2012 LD rule.

Thanks

Bill

-----Original Message-----

From: Dunham, Sarah <Dunham.Sarah@epa.gov>

Sent: Tuesday, April 28, 2020 3:54 PM

To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Question on docketing

Hi-

I was hoping you could help confirm something for me, or point out where I am assuming something incorrectly. I

Ex. 5 Deliberative Process (DP)

Thank you

Sarah

Message

From: Moran, Robin [moran.robin@epa.gov]
Sent: 4/29/2020 12:52:20 PM
To: Orlin, David [Orlin.David@epa.gov]; Charmley, William [charmley.william@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Lieske, Christopher [lieske.christopher@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
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Ex. 5 Attorney Client (AC)

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Sent: Wednesday, April 29, 2020 8:35 AM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Attorney Client (AC)

I need to send this up today so comments this morning would be appreciated.

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U.S. EPA, Office of General Counsel
(202) 564-1222

From: Orlin, David
Sent: Tuesday, April 28, 2020 5:09 PM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Mark Kataoka (Kataoka.Mark@epa.gov) <Kataoka.Mark@epa.gov>; Seth Buchsbaum (buchsbaum.seth@epa.gov) <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Question on docketing

(Leaving off Sarah for now.)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, April 28, 2020 4:15 PM
To: Charmley, William <charmley.william@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Ex. 5 Deliberative Process (DP)

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From: Charmley, William <charmley.william@epa.gov>
Sent: Tuesday, April 28, 2020 4:01 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Question on docketing

Sarah -

Ex. 5 Deliberative Process (DP)

Robin/Mike/Chris/David - please let us know if anyone has a different recollection. I know that Robin/Mike/Chris did not work on HD Phase 2, but they did work on the 2012 LD rule.

Thanks
Bill

-----Original Message-----

From: Dunham, Sarah <Dunham.Sarah@epa.gov>

Sent: Tuesday, April 28, 2020 3:54 PM

To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Question on docketing

Hi-

I was hoping you could help confirm something for me, or point out where I am assuming something incorrectly. I

Ex. 5 Deliberative Process (DP)

Thank you
Sarah

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/29/2020 12:41:04 PM
To: Charmley, William [charmley.william@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: FW: your question from this afternoon

fyi

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, April 28, 2020 5:51 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Willey, Katharine <willey.katharine@epa.gov>
Subject: FW: your question from this afternoon

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Moor, Karl <Moor.Karl@epa.gov>
Sent: Tuesday, April 28, 2020 5:50 PM
To: Idsal, Anne <idsal.anne@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gustafson, Adam <Gustafson.Adam@epa.gov>; abbie@usepa.onmicrosoft.com
Subject: Fwd: your question from this afternoon

All, FYI.

Regards, Karl

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: April 28, 2020 at 5:45:22 PM EDT
To: "Moor, Karl" <Moor.Karl@epa.gov>
Subject: your question from this afternoon

Hi Karl-

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sarah

Message

From: Charmley, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FB1828FB00AF42FFB68B9E0A71626D95-CHARMLEY, WILLIAM]
Sent: 4/29/2020 11:44:01 AM
To: Orlin, David [Orlin.David@epa.gov]
Subject: RE: Question on docketing practice for the SAFE Part 2 Final Rule

David –

No need to talk. I am sure you would do this anyways – but please include Robin, Chris, Mike and I on the draft for review.

Ex. 5 Attorney Client (AC)

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, April 29, 2020 7:40 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: RE: Question on docketing practice for the SAFE Part 2 Final Rule

Thanks. Sorry I missed your call. My plan would be to send a draft around this morning but let me know if you'd like to talk first.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Charmley, William <charmley.william@epa.gov>
Sent: Wednesday, April 29, 2020 7:37 AM
To: Orlin, David <Orlin.David@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Question on docketing practice for the SAFE Part 2 Final Rule

Dear David,

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Please let us know if there are any questions on this topic.

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>

Sent: Tuesday, April 28, 2020 5:09 PM

To: Moran, Robin <moran.robin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin

<Hengst.Benjamin@epa.gov>

Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>

Subject: RE: Question on docketing

(Leaving off Sarah for now.)

Ex. 5 Attorney Client (AC)

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----

From: Moran, Robin <moran.robin@epa.gov>

Sent: Tuesday, April 28, 2020 4:15 PM

To: Charmley, William <charmley.william@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: Question on docketing

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Charmley, William <charmley.william@epa.gov>

Sent: Tuesday, April 28, 2020 4:01 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: RE: Question on docketing

Sarah -

Ex. 5 Deliberative Process (DP)

Robin/Mike/Chris/David - please let us know if anyone has a different recollection. I know that Robin/Mike/Chris did not work on HD Phase 2, but they did work on the 2012 LD rule.

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Bill

-----Original Message-----

From: Dunham, Sarah <Dunham.Sarah@epa.gov>

Sent: Tuesday, April 28, 2020 3:54 PM

To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: Question on docketing

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Ex. 5 Deliberative Process (DP)

Thank you

Sarah